

08cr 552-1

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July 28, 2008
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

CLOSED

United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:05-cr-00017-JCM-LRL All Defendants
Internal Use Only

Case title: USA v. Robert D'Apice, et al

Date Filed: 01/18/2005
Date Terminated: 04/10/2007

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (1)

Robert D'Apice
TERMINATED: 02/20/2007

represented by

Michael V Cristalli
Cristalli & Saggese, Ltd.
732 South Sixth Street
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Las Vegas, NV 89101
702-386-2180
Fax: 702-382-2977
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:3.F AIDING & ABETTING
(1)

Disposition

DISMISSED 2/13/07

18:1962-4390.F 18 USC 1962(c) -
PARTICIPATING IN AN
ENTERPRISE THROUGH A
PATTERN OF PACKETEERING
ACTIVITY
(1)

DISMISSED 2/13/07

18:1962(d) - CONSPIRACY TO
PARTICIPATE IN A

Felony – FALSE
DECLARATIONS BEFORE
GRAND JURY/COURT

(3)

18:1623.F 18:1623 – 18:1623.F –
Felony – FALSE
DECLARATIONS BEFORE
GRAND JURY/COURT

DISMISSED 2/13/07

(4)

18:1623.F 18:1623 – 18:1623.F –
Felony – FALSE
DECLARATIONS BEFORE
GRAND JURY/COURT

DISMISSED 2/13/07

(5)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (2)

Paula McBride
TERMINATED: 02/21/2007

represented by **Kevin A Tate**
Office Of The Federal Public Defender
411 E. Bomeville, Suite 250

18:1623.F 18:1623 - 18:1623.F -
Felony - FALSE DECLARATIONS
BEFORE GRAND JURY/COURT
(7)

DISMISSED 2/14/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (3)

Vincent Faraci
TERMINATED: 02/01/2007

represented by **David Z. Chesnoff**

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LEAD ATTORNEY
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Designation: Retained

Pending Counts

18:371 - CONSPIRACY TO

Disposition

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (4)

Joseph Melfi
TERMINATED: 02/08/2007

represented by **Christopher R Oram**
Christopher R. Oram
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Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

Sentenced to Count 2 of information

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant(s)

Albert Rapuano
TERMINATED: 02/20/2007

represented by **John J Momot, Jr.**
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Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

SENTENCED 2/14/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

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Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED STATES
OF TAXES
(2)

Disposition

SENTENCED 2/14/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (7)

Steve Alberts
TERMINATED: 02/28/2007

represented by **John N McNicholas**

McNicholas Law Office, LLC
1415 East Elm Avenue
El Segundo, CA 90245

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (8)

Michael Muscato
TERMINATED: 01/18/2007

represented by **Stephen Stein**

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Disposition

18:371 – CONSPIRACY TO

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (9)

James Stresing
TERMINATED: 03/02/2007

represented by **Jay L Siegel**

601 S Seventh Street
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

SENTENCED 2/28/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level

Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (10)

Steve Crespi
TERMINATED: 03/20/2007

represented by **Stephen M Caruso**
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Designation: Retained

Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

Sentenced 3/14/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson

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Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

SENTENCED 2/28/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J.
Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (12)

Michael Lomonaco
TERMINATED: 03/20/2007

represented by **Dominic P. Gentile**
Gordon & Silver, Ltd.

Pending Counts

18:371 - CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

Sentenced 3/14/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (13)

Scott Speroni
TERMINATED: 04/10/2007

represented by

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: Judge Kent J. Dawson
 Referred to: Magistrate Judge
 Lawrence R. Leavitt

Defendant (14)

Ralph Pope
TERMINATED: 03/07/2007

represented by

Oswaldo E Fumo
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Pending Counts

18:371 - CONSPIRACY TO
 DEFRAUD THE UNITED STATES
 OF TAXES
 (2)

Disposition

SENTENCED 2/28/07

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Assigned to: Judge James C. Mahan
Referred to: Magistrate Judge
Lawrence R. Leavitt

Defendant (15)

Rocco Lombardo
TERMINATED: 03/02/2007

represented by **John V Spilotro**
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Designation: Retained

Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED
STATES OF TAXES
(2)

Disposition

SENTENCED 2/21/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

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Pending Counts

18:371 – CONSPIRACY TO
DEFRAUD THE UNITED STATES
OF TAXES
(2)

Disposition

SENTENCED 1/31/07

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

represented by **U.S. Attorney**

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Date Filed	#	Page	Docket Text
01/18/2005	<u>1</u>		INDICTMENT re: Ds (Entered: 01/20/2005)
01/18/2005	<u>2</u>		GRAND JURY RETURNS re: Ds - (Hrng held 1-18-05) - ORD: As for Ds, warrants to issue. (Entered: 01/20/2005)
01/18/2005	<u>3</u>		AO 257 re: D/D'Apice (Entered: 01/20/2005)
01/18/2005	<u>4</u>		AO 257 re: D/McBride (Entered: 01/20/2005)
01/20/2005	<u>5</u>		INITIAL/ ARRAIGNMENT & PLEA re: D/McBride - (Hrng held 1-20-05, tape #05-4-10 >2572-3156
01/20/2005	<u>6</u>		CJA 20 - APPOINTMENT re: D/McBride - CIA 23 financial affid (Entered: 01/21/2005)
01/20/2005	<u>7</u>		ORDER APPOINTING COUNSEL re: D/McBride - ORD: FPD appointed to represent D McBride. cps dis (Entered: 01/21/2005)

			INITIAL APPEARANCE re: D/D'Apice - (Hrng held 1-20-05, tape #05-4-10) - ORD: A/P CONTINUED to 1-21-05 @ 1:30pm in #3D before RJJ. D remanded to custody. cps dis (Entered: 01/21/2005)
01/21/2005			(Court only) ***Location start as to Robert D'Apice, Paula McBride (LMC,) (Entered: 11/21/2005)
01/21/2005	11		INITIAL/ ARRAIGNMENT & PLEA re: D/D'Apice - (Hrng held 1-21-05, tape #05-4-10/11) - ORD: D pleads NG to Cnts 1-5 of indictment. Jury trial sched for 3-28-05 @ 9am w/ calendar call set for 3-22-05 @ 9am. D to be released on PR Bond. *INDICTMNT UNSEALED* cps (Entered: 01/24/2005)
01/21/2005	12		BOND re: D/D'Apice - PR Bond (Bond Exon:) (Entered: 01/24/2005)
01/21/2005			(Court only) **NON-PUBLIC** Attorney update in case as to Robert D'Apice: Attorney Michael V Cristalli for Robert D'Apice added. (Af,) (Entered: 02/12/2007)
01/24/2005	13		INITIAL/ ARRAIGNMENT & PLEA re: D/McBride - (Hrng held 1-20-05, tape #05-4-10>2572-3156
01/25/2005	14		NOTICE OF ATTORNEY APPEARANCE - DEFENDANT re: D/McBride - Note of appearance of FPD Tate as cnsl for D McBride. (p) (Entered: 01/27/2005)
01/26/2005	15		DETENTION ORDER re: D/D'Apice - ORD: D ordered temporarily detained pndg hrng. cps dis (see ord #11 for results of hrng) (Entered: 01/27/2005)
02/07/2005	16		JUDGMENT RETURNED EXECUTED D/ D'Apice arrested 1/20/05 in LV, NV for FBI (Entered: 02/07/2005)
02/07/2005	17		JUDGMENT RETURNED EXECUTED D/ McBride arrested 1/20/05 in LV, NV for FBI (Entered: 02/07/2005)

03/10/2005	22		ORDER REGARDING TRIAL re: Ds - **AMND** ORD: This case set for trial on 3-28-05 @ 9am on a two week stack w/calendar call set for 3-22-05 @ 9am. cps dis (Entered: 03/10/2005)
03/21/2005			STIPULATION re both Ds: stip to continue response date, prtial motions &trial dates. to PV (Entered: 03/21/2005)
03/28/2005	23		ORDER re: Ds - ORD: Rspnse to mtn to sever #21 due 4-12-05 w/reply due 4-22-05; FUR ORD: P/T mnts due 4-15-05, rsnpses due 4-29-05, replies due 5-6-05; FUR ORD: Trial CONTINUED to 7-11-05 @ 9am w/calendar call set for 7-5-05 @ 9am. cps dis (Speedy Trial (Entered: 03/29/2005)
04/12/2005	24		RESPONSE IN OPPOSITION re: D/McBride - Oppo to mtn for severance #21 obo P. (m) (Entered: 04/13/2005)
04/15/2005	25		MOTION TO DISMISS by Dft McBride to dism Counts 6 &7 AND mtn to suppress stnts. (DISPO: oppo (#28); reply (#32); Gvt supp (#47); RR(#49); D objctn (#52); gvt rply (#53); (Entered: 04/18/2005)
04/18/2005	26		REPLY TO RESPONSE TO MOTION by Dft McBride to Dft's mtn for severance (#21). (s) (Entered: 04/19/2005)
04/27/2005	27		ORDER re: Dft McBride. Ordered Dft's mtn for severance (#21) is denied. (cps dis) (Entered: 04/29/2005)
04/29/2005	28		RESPONSE IN OPPOSITION by Plf to Dft McBride's mtn to dism (#25). (s) (Entered: 05/02/2005)
05/04/2005			TRAVERSE Stip to cont dates to fl pretl mtns &tl ---to KJD (Entered: 05/04/2005)
05/04/2005	29		ORDER ON STIPULATION re: Dfts. (Entered: 05/04/2005)
05/04/2005	30		ORDER ON STIPULATION re: Dfts. Pretrial mtn AD 7/18/05. AD 7/18/05. AD 7/18/05. AD 7/18/05. Trial

05/12/2005	<u>34</u>		RESPONSE TO MOTION by Plf to Dft McBride's mag appeal (#31) to order (#27). (s) (Entered: 05/20/2005)
05/13/2005	<u>33</u>		MINUTE ORDER re D/McBride: evid hrg set 6/14/05 @ 9:30am on dft's Mtn (#25). cps dist (Entered: 05/17/2005)
05/20/2005	<u>35</u>		REPLY TO RESPONSE TO MOTION by Dft McBride to Dft's mag appeal (#31) to order (#27). (s) (Entered: 05/20/2005)
05/31/2005			*SEALED* TRAVERSE Ex parte app for issuance of subpoenas. (LRL) (Entered: 05/31/2005)
06/01/2005	<u>36</u>		*SEALED* ORDER re: Dfts. Subpoena shall be issued as to Angel Richardson and Gregory Kim. USM shall effect svc. (cps dist) (Entered: 06/01/2005)
06/01/2005			*SEALED* SUBPOENA ISSUED (2) as to Angel Kim and Gregory Kim. (Entered: 06/01/2005)
06/07/2005	<u>37</u>		MOTION FOR MISCELLANEOUS RELIEF (Expedited) by Dft Paula McBride for disclosure of grand jury recs. (s)DISPO: order (#40), resp (#42), sealed (#43) (Entered: 06/08/2005)
06/07/2005	<u>38</u>		*SEALED* SUBPOENA RETURNED UNEXECUTED as to Gregory Kim on 6/3/05. (Entered: 06/09/2005)
06/07/2005	<u>39</u>		*SEALED* SUBPOENA RETURNED UNEXECUTED as to Angel Richardson Kim on 6/3/05. (Entered: 06/09/2005)
06/10/2005	<u>40</u>		MINUTE ORDER re: Dft McBride: Govt shall file a resp to Dft's mtn for disclosure (#37) by 6/10/05. (cps dist) (Entered: 06/10/2005)
06/10/2005	<u>42</u>		RESPONSE TO MOTION by Plf to Dft's mtn for disclosure (#37). (s) (Entered: 06/16/2005)
06/10/2005	<u>43</u>		*SEALED* EXHIBIT by Plf to Plf's resp (#42) to Dft's mtn for disclosure (#37). (nss) (Entered: 06/16/2005)

06/29/2005	45		*SEALED* SUBPOENA RETURNED UNEXECUTED re: Dfts. Subpoena returned unexecuted as to Gregory Kim on 6/3/05. (Entered: 06/30/2005)
06/29/2005	46		*SEALED* SUBPOENA RETURNED UNEXECUTED re: Dfts. Subpoena returned unexecuted as to Angel Richardson Kim on 6/3/05. (Entered: 06/30/2005)
07/01/2005	47		MOTION FOR MISCELLANEOUS RELIEF re D/ McBride's mtn #25: Govt's Motion for Leave to file splmntl rspnse (Supp attached) (Dispo: (Entered: 07/09/2005)
07/11/2005	48		TRANSCRIPT re: Dft McBride. Evidentiary hrg on 6/14/05 before LRL. (FILED SEPARATELY) (Entered: 07/12/2005)
07/15/2005	49		REPORT AND RECOMMENDATIONS re: Dft McBride. Recommended Dft's mtn (#25) be denied. (cps dist) (Entered: 07/18/2005)
08/01/2005	50		ORDER ON STIPULATION re: Dft McBride. Dft has until 8/3/05 to file objs to rr(#49). (cps dist) (Entered: 08/01/2005)
08/10/2005	51		ORDER ON STIPULATION Did 8/9/05 - re both Ds: Trial cont'd to 1/9/06 @ 9am; calndr call cont'd to 1/3/06 @ 9am; D/ McBride's objs to RR(#49) due 8/24/05. cps dist (Entered: 08/12/2005)
08/24/2005	52		OBJECTION TO REPORT AND RECOMMENDATIONS re D/ McBride's Mtn #25: D's objections to RR(#49). (Entered: 08/25/2005)
09/08/2005	53		REPLY TO RESPONSE TO MOTION re D/ McBride's mtn #25: gvt rspns in oppo to D's objs to to R(Entered: 09/10/2005)
10/07/2005	54		NOTICE (OTHER) re D/ McBride: AFPD M. Kennedy will srv as dfnse cns'l in place of AFPD Tate. (Entered: 10/21/2005)
11/21/2005			(Court only) ***Procedural Interval start as to Robert D'Avino, David McBride, See MTD for details

			LV Courtroom 6D before Judge Kent J. Dawson. Exhibit List due by 1/4/2006. Proposed Voir Dire due by 1/4/2006. Proposed Jury Instructions due by 1/4/2006. Trial Briefs due by 1/4/2006. Signed by Judge Kent J. Dawson on 12/19/05. (PAV,) (Entered: 12/19/2005)
12/19/2005	<u>56</u>		STIPULATION TO CONTINUE TRIAL by USA as to Robert D'Apice, Paula McBride (Johnson, Eric) (Entered: 12/19/2005)
12/20/2005			Set/Reset Deadlines & Hearings as to Robert D'Apice, Paula McBride: Exhibit List due by 4/5/2006. Proposed Jury Instructions due by 4/5/2006. Proposed Voir Dire due by 4/5/2006. Trial Briefs due by 4/5/2005. Calendar Call set for 4/4/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Jury Trial set for 4/10/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (PAV,) (Entered: 12/20/2005)
12/20/2005	<u>57</u>		ORDER TO CONTINUE – Ends of Justice – as to Robert D'Apice, Paula McBride re <u>56</u> Stipulation filed by USA,. Time excluded from 1/10/06 until 4/10/06. Jury Trial set for 4/10/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Calendar Call set for 4/4/2006 09:00 AM before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 12/20/05. (KCR,) (Entered: 12/22/2005)
01/09/2006			Set/Reset Deadlines & Hearings as to Robert D'Apice, Paula McBride: The previous due dates are reset as follows: Exhibit List due by 4/19/2006. Proposed Jury Instructions due by 4/19/2006. Proposed Voir Dire due by 4/19/2006. Trial Briefs due by 4/19/2006. Calendar Call set for 4/7/06 at 9:00 a.m. is reset to 4/18/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Jury Trial set for 4/13/06 at 9:00 a.m. is reset to 4/24/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (PAV,) (Entered: 01/09/2006)
03/03/2006	<u>58</u>		STIPULATION TO CONTINUE TRIAL DATE (FIFTH REQUEST) by USA as to Robert D'Apice,

04/24/2006			(Court only) **NON-PUBLIC** Terminated Deadlines/Hearings relating to the former trial setting in April 2006 as to Robert D'Apice, Paula McBride (PAV) (Entered: 04/24/2006)
05/13/2006	<u>85</u>		AO 257 to 84 Information – Felony, as to Robert D'Apice. (KCR) (Entered: 06/01/2006)
05/25/2006	60		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge on 5/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court, having received a Criminal Information and Plea Agreements on Defendants Rapuano, Drace and Faraci, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea as to these three Defendants is scheduled on 5/31/06 at 9:00 a.m. IT IS FURTHER ORDERED that the defendants shall contact the Pretrial Services Office (702-464-5630) not later than 24 hours prior to this hearing date if not previously interviewed. Arraignment/Plea as to Rapuano, Drace and Faraci set for 5/31/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/25/2006)
05/25/2006	61		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge on 5/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court, having received a Criminal Information and Plea Agreement as to Defendants Speroni, Bryu and Lombardo, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea for these three defendants is scheduled on 5/31/06 at 10:00 a.m. IT IS FURTHER ORDERED that the defendants shall contact the Pretrial Services Office (702-464-5630) not later than 24 hours prior to this hearing date if not previously interviewed. Arraignment/Plea as to Defendants Speroni, Bryu and Lombardo is set for 5/31/2006 10:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/25/2006)

			11:00 a.m. IT IS FURTHER ORDERED that the defendants shall contact the Pretrial Services Office (702-464-5630) not later than 24 hours prior to this hearing date if not previously interviewed. Arraignment/Plea set for 5/31/2006 11:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/25/2006)
05/25/2006	63		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge on 5/25/2006. By Deputy Clerk: Peggie Vannozi. The Court, having received a Criminal Information and Plea Agreements as to Defendants Lomonaco, Muscato and Ubrico, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea for these three defendants is scheduled on 5/31/06 at 1:30 p.m. IT IS FURTHER ORDERED that the defendants shall contact the Pretrial Services Office (702-464-5630) not later than 24 hours prior to this hearing date if not previously interviewed. Arraignment/Plea set for 5/31/2006 01:30 PM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/25/2006)
05/25/2006	64		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge on 5/25/2006. By Deputy Clerk: Peggie Vannozi. The Court, having received a Criminal Information and Plea Agreements on Defendants Alberts and Melfi, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea as to these two defendants is scheduled on 5/31/06 at 2:30 p.m. IT IS FURTHER ORDERED that the defendant shall contact the Pretrial Services Office (702-464-5630) not later than 24 hours prior to this hearing date if not previously interviewed. Arraignment/Plea set for 5/31/2006 02:30 PM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/25/2006)
05/25/2006	65		MINUTE ORDER IN CHAMBERS of the

05/25/2006	66		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge on 5/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court, having received a Criminal Information and Plea Agreement as to Defendant D'Apice, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information and Arraignment and Plea is scheduled on 5/31/06 at 3:30 p.m. Arraignment/Plea set for 5/31/2006 03:30 PM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/25/2006)
05/25/2006	67		NOTICE OF HEARING as to Paula McBride: A previous minutes of the court indicated that Defendant McBride would be waiving indictment and entering a plea to a superseding information. That was incorrect. A plea agreement has been received that relates to the indictment in this matter. Therefore, the matter is set for change of plea. Change of Plea Hearing set for 5/31/2006 02:30 PM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached)(PAV) (Entered: 05/25/2006)
05/31/2006	68		MINUTES OF PROCEEDINGS - Change of Plea as to Paula McBride held on 5/31/2006 before Judge Kent J. Dawson. Crim Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Michael Kennedy</i> ; Court Reporter/FTR #: <i>Felicia Zabur</i> ; Time of Hearing: 2:40 - 3:00 p.m.; Defendant is present. Defendant pleads GUILTY to count(s) 6 of the Indictment. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Trial setting as to this defendant is vacated. <u>25</u> Motion to Dismiss filed by Paula McBride and <u>47</u> Motion for Miscellaneous Relief filed by Paula McBride are denied as moot. Defendant is continued on present terms of release. Sentencing and disposition set for 9/15/2006 11:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 05/31/2006)
05/31/2006	<u>69</u>		WAIVER OF INDICTMENT by Robert D'Apice

05/31/2006	<u>73</u>		WAIVER OF INDICTMENT by John Drace (KCR) (Entered: 06/01/2006)
05/31/2006	<u>74</u>		WAIVER OF INDICTMENT by Steve Alberts (KCR) (Entered: 06/01/2006)
05/31/2006	<u>75</u>		WAIVER OF INDICTMENT by Michael Muscato (KCR) (Entered: 06/01/2006)
05/31/2006	<u>76</u>		WAIVER OF INDICTMENT by James Stresing (KCR) (Entered: 06/01/2006)
05/31/2006	<u>77</u>		WAIVER OF INDICTMENT by Steve Crespi (KCR) (Entered: 06/01/2006)
05/31/2006	<u>78</u>		WAIVER OF INDICTMENT by Darren Bruy (KCR) (Entered: 06/01/2006)
05/31/2006	<u>79</u>		WAIVER OF INDICTMENT by Michael Lomonaco (KCR) (Entered: 06/01/2006)
05/31/2006	<u>80</u>		WAIVER OF INDICTMENT by Scott Speroni (KCR) (Entered: 06/01/2006)
05/31/2006	<u>81</u>		WAIVER OF INDICTMENT by Ralph Pope (KCR) (Entered: 06/01/2006)
05/31/2006	<u>82</u>		WAIVER OF INDICTMENT by Rocco Lombardo (KCR) (Entered: 06/01/2006)
05/31/2006	<u>83</u>		WAIVER OF INDICTMENT by Robert Ubriaco (KCR) (Entered: 06/01/2006)
05/31/2006	<u>84</u>		CRIMINAL INFORMATION as to Robert D'Apice (1) Count 1s; Vincent Faraci (3) count 2; Joseph Melfi (4) count 2; Albert Rapuano (5) count 2; John Drace (6) count 2; Steve Alberts (7) count 2; Michael Muscato (8) count 2; James Stresing (9) count 2; Steve Crespi (10) count 2; Darren Bruy (11) count 2; Michael Lomonaco (12) count 2; Scott Speroni (13) count 2; Ralph Pope (14) count 2; Rocco Lombardo (15) count 2; and Robert Ubriaco (16) count 2. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>86</u>		AO 257 to <u>84</u> Information - Felony, as to Vincent Faraci. (KCR) (Entered: 06/01/2006)

			AO 257 to <u>84</u> Information – Felony, as to Steve Alberts. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>91</u>		AO 257 to <u>84</u> Information – Felony, as to Michael Muscato. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>92</u>		AO 257 to <u>84</u> Information – Felony, as to James Stresing. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>93</u>		AO 257 to <u>84</u> Information – Felony, as to Steve Crespi. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>94</u>		AO 257 to <u>84</u> Information – Felony, as to Darren Bruy. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>95</u>		AO 257 to <u>84</u> Information – Felony, as to Michael Lomonaco. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>96</u>		AO 257 to <u>84</u> Information – Felony, as to Scott Speroni. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>97</u>		AO 257 to <u>84</u> Information – Felony, as to Ralph Pope. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>98</u>		AO 257 to <u>84</u> Information – Felony, as to Rocco Lombardo. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>99</u>		AO 257 to <u>84</u> Information – Felony, as to Robert Ubricco. (KCR) (Entered: 06/01/2006)
05/31/2006	<u>100</u>		PLEA MEMORANDUM as to Albert Rapuano (KCR) (Entered: 06/01/2006)
05/31/2006	<u>101</u>		PLEA MEMORANDUM as to John Drace (KCR) (Entered: 06/01/2006)
05/31/2006	<u>102</u>		PLEA MEMORANDUM as to Vincent Faraci (KCR) (Entered: 06/01/2006)
05/31/2006	<u>103</u>		PLEA MEMORANDUM as to Scott Speroni (KCR) (Entered: 06/01/2006)
05/31/2006	<u>104</u>		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Robert D'Apice held on 5/31/2006 before Judge Kent J. Dawson. Cttn Administrator: <i>Peggie Vannozzi</i> , AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Michael Cristall</i> ; PTS: <i>Ehem</i>

			probation department for investigation and report. Defendant is continued on present terms of release with two modifications: defendant is to notify Pretrial Services if he becomes unemployed and when he is re-employed; Defendant is to have no contact with co-defendants except at work. Sentencing and disposition set for 10/17/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson (no image attached) (PAV) (Entered: 06/01/2006)
05/31/2006	<u>105</u>		PLEA MEMORANDUM as to Rocco Lombardo (KCR) (Entered: 06/01/2006)
05/31/2006	<u>106</u>		PLEA MEMORANDUM as to Darren Bruy (KCR) (Entered: 06/01/2006)
05/31/2006	<u>107</u>		PLEA MEMORANDUM as to Steve Crespi (KCR) (Entered: 06/01/2006)
05/31/2006	<u>108</u>		PLEA MEMORANDUM as to Ralph Pope (KCR) (Entered: 06/01/2006)
05/31/2006	<u>110</u>		PLEA MEMORANDUM as to James Stresing (KCR) (Entered: 06/01/2006)
05/31/2006	<u>111</u>		PLEA MEMORANDUM as to Robert D'Apice (KCR) (Entered: 06/01/2006)
05/31/2006	<u>112</u>		PLEA MEMORANDUM as to Joseph Melfi (KCR) (Entered: 06/01/2006)
05/31/2006	<u>113</u>		PLEA MEMORANDUM as to Steve Alberts (KCR) (Entered: 06/01/2006)
05/31/2006	<u>115</u>		PLEA MEMORANDUM as to Robert Ubriaco (KCR) (Entered: 06/01/2006)
05/31/2006	<u>116</u>		PLEA MEMORANDUM as to Michael Muscato (KCR) (Entered: 06/01/2006)
05/31/2006	<u>117</u>		PLEA MEMORANDUM as to Michael Lomonaco (KCR) (Entered: 06/01/2006)
05/31/2006	<u>122</u>		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Scott Speroni held on 5/31/2006 before Judge Kent J. Dawson.

			Corporation in the plea agreement should read simply Defendant. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. The defendant is released on bond. Sentencing and disposition set for 9/1/2006 09:30 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)
05/31/2006	<u>123</u>		DESIGNATION of Retained Counsel by David Z. Chesnoff on behalf of Vincent Faraci (KCR) (Entered: 06/01/2006)
05/31/2006	<u>124</u>		DESIGNATION of Retained Counsel by John J Momot on behalf of Albert Rapuano (KCR) (Entered: 06/01/2006)
05/31/2006	<u>125</u>		DESIGNATION of Retained Counsel by Charles E Kelly on behalf of John Drace (KCR) (Entered: 06/01/2006)
05/31/2006	<u>126</u>		DESIGNATION of Retained Counsel by John V Spiloto on behalf of Rocco Lombardo (KCR) (Entered: 06/01/2006)
05/31/2006	<u>127</u>		DESIGNATION of Retained Counsel by Stephen Stein on behalf of Michael Muscato (KCR) (Entered: 06/01/2006)
05/31/2006	<u>128</u>		DESIGNATION of Retained Counsel by Dominic P. Gentile on behalf of Michael Lomonaco (KCR) (Entered: 06/01/2006)
05/31/2006	<u>129</u>		DESIGNATION of Retained Counsel by Mace J Yampolsky on behalf of Robert Ubriaco (KCR) (Entered: 06/01/2006)
05/31/2006	<u>130</u>		DESIGNATION of Retained Counsel by Christopher R Oram on behalf of Joseph Melfi (KCR) (Entered: 06/01/2006)
05/31/2006	<u>131</u>		DESIGNATION of Retained Counsel by John N McNicholas on behalf of Steve Alberts (KCR) (Entered: 06/01/2006)
05/31/2006	<u>132</u>		ADMITTEE OF PROCEEDINGS. Motion of

			execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is released on bond. Sentencing and disposition set for 9/8/2006 10:30 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)
05/31/2006	133		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Ralph Pope held on 5/31/06 before Judge Kent J. Dawson. Crim Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Oswaldo Fumo</i> ; USPO: <i>Michael Severance</i> ; PTS: <i>Terry Wheaton</i> ; Court Reporter/ETR #: <i>Felicia Zabir</i> ; Time of Hearing: <i>11:07 a.m. to 12:07 p.m.</i> ; Defendant is present. CIA panel attorney Osvaldo E Fumo for Ralph Pope appointed as defense counsel. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is released on bond. Sentencing and disposition set for 9/8/2006 10:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)
05/31/2006	134		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Steve Crespi held on 5/31/2006 before Judge Kent J. Dawson. Crim Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Maria Milano and Stephen Caruso</i> ; USPO: <i>Michael Severance</i> ; PTS: <i>Terry Wheaton</i> ; Court Reporter/ETR #: <i>Felicia Zabir</i> ; Time of Hearing: <i>11:07 a.m. – 12:07 p.m.</i> ; Defendant is present. Defense counsel retained. Appearance entered by Stephen M Caruso for Steve Crespi on behalf of defendant. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads

			<p>held on 5/31/2006 before Judge Kent J. Dawson. Crtm Administrator: <i>Peggie Vannozzi</i>; AUSA: <i>Eric Johnson</i>; Def Counsel: <i>John Momot</i>; USPO: <i>Michael Severance</i>; PTS: <i>Michael Baker</i>; Court Reporter/ETR #: <i>Felicia Zabin</i>; Time of Hearing: 9:20 a.m. – 10:20 a.m.; Defendant is present. Defense counsel retained. Appearance entered by John J Momot for Albert Rapuano on behalf of defendant. Mr. Momot joins in the oral motion made by Mr. Chesnoff at sidebar. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. The defendant is released on bond. Defendant may travel to Connecticut between June 25, 2006 and July 5, 2006. Sentencing and disposition set for 8/26/2006 10:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)</p>
05/31/2006	136		<p>MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to John Drace held on 5/31/2006 before Judge Kent J. Dawson. Crtm Administrator: <i>Peggie Vannozzi</i>; AUSA: <i>Eric Johnson</i>; Def Counsel: <i>Charles Kelly</i>; USPO: <i>Michael Severance</i>; PTS: <i>Michael Baker</i>; Court Reporter/ETR #: <i>Felicia Zabin</i>; Time of Hearing: 9:20 a.m. – 10:20 a.m.; Defendant is present. Defense counsel retained. Appearance entered by Charles E Kelly for John Drace on behalf of defendant. Mr. Kelly joins in the oral motion made by Mr. Chesnoff at sidebar. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Sentencing and disposition set for 8/26/2006 10:30 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)</p>

			<p>David Z. Chesnoff for Vincent Faraci on behalf of defendant. Also present is Anthony Sgro, attorney for Frederick Rizzolo and The Power Company. Sidebar conference is held with Mr. Johnson, Mr. Chesnoff, Mr. Momot, Mr. Kelly and Mr. Sgro participating. Mr. Chesnoff's sealed affidavit/Motion is due by 6/7/2006. The Government's response to Mr. Chesnoff's pleading is due by 6/14/2006. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. The defendant is released on bond. Sentencing and disposition set for 9/1/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)</p>
05/31/2006	139		<p>MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Rocco Lombardo held on 5/31/2006 before Judge Kent J. Dawson. Cttrn Administrator: <i>Peggie Vannozzi</i>; AUSA: <i>Eric Johnson</i>; Def Counsel: <i>John Spilotro</i>; USPO: <i>Michael Severance</i>; PTS: <i>Evelia Rivera</i>; Court Reporter/ETR #: <i>Felicia Zabini</i>; Time of Hearing: <i>10:15 a.m. – 11:00 a.m.</i>; Defendant is present. Defense counsel retained. Appearance entered by John V Spilotro for Rocco Lombardo on behalf of defendant. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. The defendant is released on bond. Sentencing and disposition set for 9/1/2006 10:30 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)</p>
05/31/2006			<p>(Court only) **NON-PUBLIC** Attorney update in case as to Vincent Faraci: Attorney David Z. Chesnoff for Vincent Faraci added. (KCR) (Entered: 02/05/2007)</p>

06/01/2006	109	<p>MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Michael Lomonaco held on 5/31/06 before Judge Kent J. Dawson. Ctmm Administrator: <i>Peggie Vannozi</i>; AUSA: <i>Eric Johnson</i>; Def Counsel: <i>Dominic Gentile</i>; USPO: <i>Michael Severance</i>; PTS: <i>Michael Baker</i>; Court Reporter/FTTR #: <i>Felicia Zabini</i>; Time of Hearing: <i>1:42 p.m. – 2:30 p.m.</i>; Defendant is present. Defense counsel retained. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is continued on present terms of release. Sentencing and disposition set for 9/15/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV,) Modified on 6/1/2006 (PAV). (Entered: 06/01/2006)</p>
06/01/2006	114	<p>MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Michael Muscato held on 5/31/06 before Judge Kent J. Dawson. Ctmm Administrator: <i>Peggie Vannozi</i>; AUSA: <i>Eric Johnson</i>; Def Counsel: <i>Stephen Stein</i>; USPO: <i>Michael Severance</i>; PTS: <i>Michael Baker</i>; Court Reporter/FTTR #: <i>Felicia Zabini</i>; Time of Hearing: <i>1:42 p.m. – 2:30 p.m.</i>; Defendant is present. Defense counsel retained. Appearance entered by Stephen Stein for Michael Muscato on behalf of defendant. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is released on bond. Sentencing and disposition set for 9/15/2006 09:30 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) Modified on 6/1/2006 (PAV,). (Entered: 06/01/2006)</p>
06/01/2006	<u>118</u>	<p>PLEA MEMORANDUM as to Paula McBride (KCR) (Entered: 06/01/2006)</p>

			Yampolsky for Robert Ubriaco on behalf of defendant. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is released on bond. Sentencing and disposition set for 9/15/2006 10:00 AM in LV Courtroom 6D before Judge Kent J. Dawson.(no image attached) (PAV) Modified on 6/1/2006 (PAV,). (Entered: 06/01/2006)
06/01/2006	120		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment &Plea as to Steve Alberts held on 5/31/06 before Judge Kent J. Dawson. Cttrm Administrator: <i>Peggie Yannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>John McNicholas</i> ; USPO: <i>Michael Severance</i> ; PTS: <i>Michael Baker &Efrem Mendoza</i> ; Court Reporter/FTR #: <i>Felicia Zabin</i> ; Time of Hearing: 3:00 p.m. – 3:30 p.m.; Defendant is present. Defense counsel retained. Appearance entered by John N McNicholas for Steve Alberts on behalf of defendant. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is released on bond. Sentencing and disposition set for 9/15/06 10:30 AM in LV Courtroom 6D before Judge Kent J. Dawson.(no image attached) (PAV) Modified on 6/1/2006 (PAV,). Modified on 6/1/2006 (PAV,). (Entered: 06/01/2006)
06/01/2006	121		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment &Plea as to Joseph Melfi held on 5/31/2006 before Judge Kent J. Dawson. Cttrm Administrator: <i>Peggie Yannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Christopher Oram</i> ; USPO: <i>Michael Severance</i> ; PTS: <i>Michael Baker &Efrem Mendoza</i> ; Court Reporter/FTR #: <i>Felicia Zabin</i> ; Time of Hearing: 3:00 – 3:30 p.m.; Defendant is present. Defense counsel retained. Appearance

			Defendant is released on bond. (no image attached) (PAV) Modified on 6/1/2006 (PAV,). (Entered: 06/01/2006)
06/01/2006			NOTICE of Docket Correction to 109 Arraignment/Plea – Waiver of Indictment,,, Electronic Notice to USM,,, 121 Arraignment/Plea – Waiver of Indictment,,, Electronic Notice to USM,,, 119 Arraignment/Plea – Waiver of Indictment,,, Electronic Notice to USM,,, 114 Arraignment/Plea – Waiver of Indictment,,, Electronic Notice to USM,,, 120 Arraignment/Plea – Waiver of Indictment,,, Electronic Notice to USM,,, as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubriaco: each of the minutes of proceedings were modified to reflect the correct date of the hearing. 120 was corrected to reflect correct sentencing date. (no image attached)(PAV,) (Entered: 06/01/2006)
06/01/2006	138		MINUTES OF PROCEEDINGS – Waiver of Indictment/Arraignment & Plea as to Darren Bruy held on 5/31/2006 before Judge Kent J. Dawson. Cttn Administrator: <i>Peggie Vannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Lisa Rasmussen</i> ; USPO: <i>Michael Severance</i> ; PTS: <i>Evelia Rivera</i> ; Court Reporter/ETR #: <i>Felicia Zabir</i> ; Time of Hearing: <i>10:15 a.m. – 10:55 a.m.</i> ; Defendant is present. CJA panel attorney Lisa A Rasmussen for Darren Bruy appointed as defense counsel. Defendant and counsel execute and file a waiver of indictment. The Superseding Information is filed. Defendant pleads GUILTY to count(s) 2. Plea Agreement filed. Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. The defendant is released on Bond. Sentencing and disposition set for 9/1/2006 10:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 06/01/2006)

			SEALED PR BOND Entered as to Michael Muscato (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>144</u>		*SEALED* PR BOND Entered as to Robert Ubriaco (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>145</u>		*SEALED* PR BOND Entered as to Scott Speroni (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>146</u>		*SEALED* PR BOND Entered as to Rocco Lombardo (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>147</u>		*SEALED* PR BOND Entered as to Darren Brury (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>148</u>		*SEALED* PR BOND Entered as to John Drace (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>149</u>		*SEALED* PR BOND Entered as to Albert Rapuano (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>150</u>		*SEALED* PR BOND Entered as to Vincent Faraci (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>151</u>		*SEALED* PR BOND Entered as to Ralph Pope (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>152</u>		*SEALED* PR BOND Entered as to Steve Crespi (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>153</u>		*SEALED* PR BOND Entered as to James Stresing (Sealed) (LMC) (Entered: 06/02/2006)
06/02/2006	<u>154</u>		DESIGNATION of Retained Counsel by Stephen M Caruso on behalf of Steve Crespi (LMC) (Entered: 06/02/2006)
06/05/2006			Set/Reset Hearings as to Albert Rapuano: Sentencing and disposition set for 8/26/06 at 10:00 a.m. is reset to 8/25/2006 10:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (PAV) (Entered: 06/05/2006)
06/05/2006			Set/Reset Hearings as to John Drace: Sentencing and disposition set for 8/26/06 at 10:30 a.m. is reset to 8/25/2006 10:30 AM in LV Courtroom 6D before Judge Kent J. Dawson. (PAV) (Entered: 06/05/2006)

06/23/2006			(Court only) **NON-PUBLIC** Motions No Longer Referred as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubrisco. <u>155</u> SEALED MOTION for Recusal (MBS,) (Entered: 06/23/2006)
07/11/2006	<u>157</u>		*SEALED* STIPULATION for Continuance re <u>155</u> SEALED MOTION by Vincent Faraci (KCR) Modified on 7/17/2006 to seal document (GEW). (Entered: 07/14/2006)
07/14/2006	<u>158</u>		*SEALED* SEALED ORDER ON STIPULATION re <u>157</u> Stipulation filed by Vincent Faraci, <u>155</u> SEALED MOTION for Recusal filed by Vincent Faraci, Replies due by 7/24/2006. Signed by Judge Kent J. Dawson on 7/14/06. (PAV) (Entered: 07/14/2006)
07/17/2006	<u>159</u>		NOTICE of Change of Address by Ralph Pope (Funo, Osvaldo) (Entered: 07/17/2006)
07/24/2006	<u>160</u>		*SEALED* UNREDACTED DOCUMENT (Sealed) Reply to Government's Response by Vincent Faraci (Chesnoff, David) (Entered: 07/24/2006)
08/07/2006			(Court only) **NON-PUBLIC** Terminated Deadlines for response/reply associated with #155 to Vincent Faraci. (PAV) (Entered: 08/07/2006)
08/10/2006	<u>161</u>		OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Steve Crespi (Attachments: # <u>1</u>)(Caruso, Stephen) (Entered: 08/10/2006)
08/14/2006	<u>162</u>		STIPULATION to Continue Sentencing Date by Scott Speroni (Bailus, Mark) (Entered: 08/14/2006)
08/14/2006	<u>163</u>		*SEALED* SEALED MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Vincent Faraci on 8/14/2006. By Deputy Clerk: Peggie Vannozi. RE: <u>155</u> SEALED MOTION for Recusal filed by Vincent Faraci.

on matters relating to the reporting of tip income received by employees of the Crazy Horse Too Strip Club, and that John Dawson is still advising owners of the Crazy Horse Too in connection with this proceeding. The Motion recites that "as counsel and advisor for such an alleged '[racketeering] enterprise', John Dawson will be concerned with protecting the assets of the company and addressing possible fines and tax penalties which may be assessed."

Accordingly, the Motion asserts, under 28 U.S.C. section 455(b), the court should recuse itself

"because John Dawson has an interest in these proceedings...". At the request of Attorney Chesnoff, Attorney Sgro took the unusual step of appearing at side bar during the change of plea hearing for Defendant Faraci where the request for recusal (for purposes of sentencing only) was first raised by Attorney Chesnoff. Attorney Sgro did not disagree with the representations being made by Attorney Chesnoff regarding the advice allegedly given by John Dawson to Rizzolo and employees of Crazy Horse Too. The Government's Response asserts that John Dawson is primarily an estate planning attorney whose services to Rizzolo have been limited to estate planning. According to the Government, no witnesses have mentioned John Dawson as someone involved in or having relevant knowledge of the Club's currency receipt and disbursement procedures. Finally, the Government asserts that when it attempted to interview John Dawson, his counsel, Pete Gibson, responded that Attorney Sgro had instructed them to assert the attorney-client privilege to all but the most basic questions. Movant's Reply does not dispute the information contained in the Government's Response, however it is insufficient to constitute a withdrawal of the Motion to Recuse or a retraction of Movant's assertion that John Dawson will be a "material witness at Faraci's sentencing hearing". Of further concern is the implication of the Declaration of David Z. Chesnoff and the related side bar colloquy, that Attorney Sgro has divulged information protected by attorney-client privilege or

			Speroni, Sentencing and disposition set for 9/1/06 at 9:30 a.m. is continued to 9/27/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 8/14/06. (PAV) (Entered: 08/14/2006)
08/16/2006	<u>166</u>		TRANSCRIPT of Proceedings: 137 Arraignment/Plea – Waiver of Indictment – Sidebar Conference as to Vincent Faraci, Albert Rapuano, John Drace held on 5/31/06 before Judge Kent J. Dawson. Court Reporter: Felicia Zabin. (no image attached) (EDS) (Entered: 08/17/2006)
08/17/2006	<u>165</u>		*SEALED* SEALED STIPULATION to Continue Sentencing Date by Vincent Faraci (Chesoff, David) (Entered: 08/17/2006)
08/17/2006	<u>171</u>		*SEALED* SEALED PLEADING IN RESPONSE to 163 Minute Order, filed by Vincent Faraci (KCR) (Entered: 08/23/2006)
08/18/2006	<u>167</u>		*SEALED* SEALED NOTICE of Under Seal Filing by Vincent Faraci (Chesoff, David) (Entered: 08/18/2006)
08/18/2006	<u>168</u>		ORDER ON STIPULATION re <u>165</u> Stipulation filed by Vincent Faraci, Sentencing and disposition set for 9/1/06 at 9:00 a.m. is continued to 9/20/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 8/18/06. (PAV) (Entered: 08/18/2006)
08/18/2006	<u>169</u>		OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Albert Rapuano (Mornot, John) (Entered: 08/18/2006)
08/21/2006	<u>170</u>		CERTIFICATE of Service by Albert Rapuano re <u>169</u> Objection to Presentence Investigation Report (Mornot, John) (Entered: 08/21/2006)
08/22/2006	<u>172</u>		Preliminary OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT by Rocco Lombardo (KCR) (Entered: 08/23/2006)
08/23/2006	<u>173</u>		STIPULATION TO CONTINUE SENTENCING

			USA as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Streising, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubrico (Johnson, Eric) (Entered: 08/23/2006)
08/23/2006	<u>175</u>		*SEALED* SEALED MINUTES OF PROCEEDINGS – Motion Hearing as to Vincent Faraci held on 8/23/2006 before Judge Kent J. Dawson. Ctmm Administrator: <i>Peggie Vannozi</i> ; AUSA: <i>Timothy Vasquez</i> ; Def Counsel: <i>David Chesnoff</i> ; Court Reporter/FTR #: <i>Felicia Zabin</i> ; Time of Hearing: <i>9:15 a.m. – 9:50 a.m.</i> ; Defendant is not present. See attached minutes for other appearances. RE: <u>155 SEALED MOTION</u> for Recusal filed by Vincent Faraci is referred to Magistrate Judge Leavitt for a hearing consistent with the attached minutes of the Court. (PAV) (Entered: 08/23/2006)
08/23/2006			(Court only) **NON-PUBLIC** MOTIONS as to Vincent Faraci REFERRED to Judge Magistrate Judge Leavitt. <u>155 SEALED MOTION</u> for Recusal – please see #175 for the referral. (PAV) (Entered: 08/23/2006)
08/23/2006	<u>176</u>		ORDER ON STIPULATION re <u>174</u> Stipulation, filed by USA, Sentencing and disposition set for 8/25/06 at 10:00 a.m. is continued to 10/25/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 8/23/06. (PAV) (Entered: 08/23/2006)
08/23/2006	<u>177</u>		ORDER ON STIPULATION re <u>173</u> Stipulation, filed by USA, Sentencing and disposition set for 8/25/06 at 10:30 a.m. is continued to 10/25/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 8/23/06. (PAV) (Entered: 08/23/2006)
08/24/2006	<u>178</u>		OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Ralph Pope (Attachments: # <u>1</u> # <u>2</u>)(Pumo, Osvaldo) (Entered: 08/23/2006)

			09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	180		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Scott Speroni on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Speroni set for 9/27/06 at 9:00 a.m. is continued to 11/29/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	181		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Joseph Melfi on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Melfi set for 9/22/06 at 9:30 a.m. is continued to 11/29/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	182		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Vincent Faraci on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Faraci set for 9/20/06 at 9:00 a.m. is continued to 11/29/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	183		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Paula McBride on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant McBride's Motion (#155). Sentencing and disposition as to Defendant McBride set for 9/20/06 at 9:00 a.m. is continued to 11/29/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)

			Robert Ubriaco on 8/25/2006. By Deputy Clerk: Peggie Vannozi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Ubriaco, set for 9/15/06 at 10:00 AM is continued to 11/22/06 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	185		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Michael Muscato on 8/25/2006. By Deputy Clerk: Peggie Vannozi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Muscato, set for 9/15/06 at 9:30AM, is continued to 11/22/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	186		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Michael Lomonaco on 8/25/2006. By Deputy Clerk: Peggie Vannozi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Lomonaco, set for 9/15/06 at 9:00 AM, is continued to 11/22/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	187		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Steve Alberts on 8/25/2006. By Deputy Clerk: Peggie Vannozi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Alberts, set for 9/22/06 at 9:30 AM, is continued to 11/22/2006 at 09:00 AM in LV Courtroom 6D before

			9:30 a.m., is continued to 11/15/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	189		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Ralph Pope on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Pope, set for 9/8/06 at 10:00 a.m., is continued to 11/8/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	190		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to James Stresing on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Stresing, set for 9/8/06 at 10:30 a.m., is continued to 11/8/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
08/25/2006	191		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Rocco Lombardo on 8/25/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not proceed to sentence the defendants in this matter until a decision is rendered on Defendant Faraci's Motion (#155). Sentencing and disposition as to Defendant Lombardo, set for 9/1/06 at 10:30 a.m., is continued to 11/1/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 08/25/2006)
09/01/2006	<u>192</u>		SUPPLEMENT by Ralph Pope (Fumo, Osvaldo) (Entered: 09/01/2006)
09/14/2006	<u>193</u>		*SEALED* (Court only) **NON-PUBLIC** SEALED EX PARTE DOCUMENT - Ex Parte

			U.S. Magistrate Judge, as to Robert D'Apice, et al, on 10/2/2006. RE: <u>155 SEALED MOTION</u> for Recusal filed by Vincent Faraci. Motion Hearing set for 10/17/2006 11:00 AM in LV Courtroom 3C before Magistrate Judge Lawrence R. Leavitt. John E. Dawson, Esq. shall attend hearing. Counsel for all concerned parties shall attend the hearing. (KCR) (Entered: 10/03/2006)
10/03/2006	196		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Robert D'Apice on 10/3/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 10/17/06 at 9:00 AM is reset to 12/6/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/03/2006)
10/03/2006	197		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Albert Rapuano on 10/3/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 10/25/06 at 9:00 AM is continued to 12/6/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/03/2006)
10/03/2006	198		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to John Drace on 10/3/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 10/25/06 at 9:00 AM is continued to 12/13/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/03/2006)
10/11/2006	199		*SEALED* SEALED Mail Returned as Undeliverable re <u>195</u> Minute Order Setting Hearing on Motion, addressed to Stephen Caruso (re-mailed 10/12/06) (MAJ) (Entered: 10/12/2006)
10/13/2006	200		RESPONSE to the <i>Presentence Investigation Report</i> filed by Robert D'Apice (Cristalli, Michael) (Entered: 10/13/2006)

10/17/2006	202		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Darren Bruy on 10/17/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not sentence any defendant in this matter until the Motion to Recuse is decided. Therefore, sentencing and disposition set for 11/1/06 at 9:00 a.m. is continued to 12/20/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/17/2006)
10/17/2006	203		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Ralph Pope on 10/17/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not sentence any defendant in this matter until the Motion to Recuse is decided. Therefore, Sentencing and disposition set for 11/8/06 at 9:00 a.m. is continued to 1/3/2007 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/17/2006)
10/17/2006	204		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to James Stresing on 10/17/2006. By Deputy Clerk: Peggie Vannozzi. The Court will not sentence any defendant in this matter until the Motion to Recuse is decided. Therefore, Sentencing and disposition set for 1/8/06 at 9:00 a.m. is continued to 1/10/2007 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/17/2006)
10/17/2006	205		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Steve Crespi on 10/17/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 11/15/06 at 9:00 a.m. is continued to 1/17/2007 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 10/17/2006)
10/17/2006	207		*SEALED* SEALED MINUTES OF PROCEEDINGS - Motion Hearing as to Vincent Dawson held on 10/17/2006 before Judge Lawrence D.

	259	<p>Rapuno who is present); Charles E. Kelly (for John Drace); John N. McNicholas (for Steve Alberts); Lisa A. Rasmussen (for Darren Bruy) and for Jay L. Siegel (for James D. Stresing); Stephen M. Canuso (for Steve Crespi); Mark B. Bails (for Scott Speroni); Mace J. Yampolsky (for Robert Ubrico). Also in attendance: Fred D. "Pete" Gibson, III, for John Dawson, Esq., who is present; and Thomas Pitaro for Anthony Sgro (for Frederick John Rizzolo). RE: <u>155 SEALED MOTION</u> for Recusal filed by Vincent Faraci. After making preliminary statements, and hearing the representations of Mr. Chesnoff, Mr. Gibson, Mr. Johnson and Ms. Rasmussen, the Court ORDERS that the concerned parties shall brief the question of whether Mr. Rizzolo's attorney-client privilege with Mr. Gibson with respect to Mr. Gibson's legal advice, if any, concerning the tip pool policy in place at the Crazy Horse Too was waived by Mr. Sgro's statements to Mr. Chesnoff about Mr. Gibson's legal advice. The government shall file its brief UNDER SEAL not later than 4:00 p.m. on Tuesday, 10/24/06. Copies of same shall be provided to Mr. Sgro, Mr. Chesnoff and Mr. Gibson. Responses by Mr. Gibson, Mr. Chesnoff and Mr. Sgro shall be filed UNDER SEAL and served on the government not later than 4:00 p.m. on Friday, 11/3/06. Courtesy copies of all briefs shall be faxed or hand-delivered to chambers (Room 3014) when the originals are filed. FURTHER ORDERED that the Clerk's Office shall keep this Motion and Oppositions under SEAL but provide a copy to counsel for all defendants. Court will review the briefs and set a further hearing regarding this matter, if necessary. Otherwise, an Order will be issued based on the representations in court today and the briefs submitted. Defendant Faraci is continued on present terms of release. (no image attached) (AKK) (Entered: 10/19/2006)</p>
10/17/2006		<p>*SEALED* SEALED AMENDED MINUTES OF PROCEEDINGS - SEALED Motion Hearing as to Vincent Faraci held on 10/17/2006 before Judge Lawrence P. Lawrence. Court Administrator: Alana</p>

	206	<p>E. Kelly (for John Drace); John N. McNicholas (for Steve Alberts); Lisa A. Rasmussen (for Darren Bruy) and for Jay L. Siegel (for James D. Stresing); Stephen M. Carnuso (For Steve Crespi); Mark B. Bailus (for Scott Speroni); Mace J. Yampolsky (for Robert Ubriaco). Also in attendance: Fred D. "Pete" Gibson, III, for John Dawson, Esq., who is present; and Thomas Piaro for Anthony Sgro (for Frederick John Rizzolo). Mr. Sgro is not present. RE: <u>155 SEALED MOTION</u> for Recusal filed by Vincent Faraci, is TAKEN UNDER ADVISEMENT. After making preliminary statements, and hearing the representations of Mr. Chesnoff, Mr. Gibson, Mr. Johnson and Ms. Rasmussen, the Court ORDERS that the concerned parties shall brief the question of whether Mr. Rizzolo's attorney-client privilege with Mr. Dawson with respect to Mr. Dawson's legal advice, if any, concerning the tip pool policy in place at the Crazy Horse Too was waived by Mr. Sgro's statements to Mr. Johnson about Mr. Dawson's legal advice. The government shall file its brief UNDER SEAL not later than 4:00 p.m. on Tuesday, 10/24/06. Copies of same shall be provided to Mr. Sgro, Mr. Chesnoff and Mr. Gibson. Responses by Mr. Gibson, Mr. Chesnoff and Mr. Sgro shall be filed UNDER SEAL and served on the government not later than 4:00 p.m. on Friday, 11/3/06. Courtesy copies of all briefs shall be faxed or hand-delivered to chambers (Room 3014) when the originals are filed.</p> <p>FURTHER ORDERED that the Clerk's Office shall keep this Motion and Oppositions under SEAL but provide a copy to counsel for all defendants. Court will review the briefs and set a further hearing regarding this matter, if necessary. Otherwise, an Order will be issued based on the representations made in court today and the briefs submitted. Defendant Faraci is continued on present terms of release. (no image attached) (AKK) (Entered: 01/04/2007)</p>
10/18/2006		<p>MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Michael J. Faraci on 10/18/2006. By Deputy Clerk.</p>

			10/19/2006. By Deputy Clerk: Peggie Vannozzi. RE: 201 Minute Order,, Set Hearings, which referred to the wrong defendant. Defendant Lombardo's sentencing is reset from 12/13/06 to 1/10/2007 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. The date set for Defendant Lomonaco (November 22, 2006 at 9:00 a.m.) stands. (no image attached) (PAV) (Entered: 10/19/2006)
10/19/2006			(Court only) **NON-PUBLIC** Set/Reset Hearings as to Michael Lomonaco: Sentencing and disposition set for 11/22/2006 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (PAV) (Entered: 10/19/2006)
10/24/2006	<u>209</u>		*SEALED* SEALED STIPULATION by USA as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubriaco (Johnson, Eric) (Entered: 10/24/2006)
10/25/2006	210		*SEALED* SEALED ORDER ON STIPULATION re <u>209</u> Stipulation, filed by USA. Before the court is the stipulation of the parties to recuse this Court for purposes of sentencing those defendants who have moved for recusal. The Government, while maintaining that defendants' reliance on Attorney Anthony Sgro's statements concerning Defendant Rizzolo's relationship with John Dawson, without more, is insufficient to establish a prima facie basis for recusal under Section 455, and that a waiver of the attorney-client privilege has occurred, asserts that the potential delay in sentencing and the public interest justifies recusal. However, this Court's recusal will not obviate the need to resolve important issues. There is no indication that Defendant Faraci intends to abandon the argument of proportionality which relies on the truthfulness of the double hearsay declaration of Attorney David Z. Chesoff. Nor would recusal do anything to resolve the issue of whether Attorney Sgro has breached the

			Stipulation to Recuse (#209) is denied. Signed by Judge Kent J. Dawson on 10/25/06. (PAV) (Entered: 10/25/2006)
10/27/2006	211		*SEALED* SEALED MOTION for Joinder Defendant Steve Albert's Joinder in Co-Defendant Vincent Faraci's Sealed Motion For Recusal of Judge Kent J Dawson by Steve Alberts. (McNicholas, John) (Entered: 10/27/2006)
10/27/2006	212		*SEALED* SEALED MINUTE ORDER IN CHAMBERS of the Honorable Lawrence R. Leavitt, U.S. Magistrate Judge, as to Vincent Faraci, et al on 10/27/2006.RE Issue on Waiver of attorney-client privilege: USA Waiver brief due by 11/1/2006. Response brief due by 11/9/2006. (KCR) (Entered: 10/30/2006)
10/31/2006	213		First MOTION for Joinder in <i>Stipulation filed on October 24, 2006</i> by Joseph Melfi. (Oram, Christopher) (Entered: 10/31/2006)
10/31/2006	214		*SEALED* SEALED MOTION for Leave to File by USA as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubrico. (Johnson, Eric) (Entered: 10/31/2006)
11/01/2006	215		First MOTION for Joinder to <i>Join Sealed Stipulation Filed on October 24, 2006</i> by Robert D'Apice. (Cristalli, Michael) (Entered: 11/01/2006)
11/01/2006	216		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Steve Alberts on 11/1/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 11/22/06 at 9:00 a.m. is rescheduled to 12/13/2006 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/01/2006)
11/01/2006	217		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to

			Michael Muscato on 11/1/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 11/22/06 at 9:00 a.m. is rescheduled to 1/17/2007 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/01/2006)
11/01/2006	219		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Robert Ubriaco on 11/1/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 11/22/06 at 9:00 a.m. is rescheduled to 1/24/2007 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/01/2006)
11/01/2006	<u>220</u>		*SEALED* ERROR: Wrong event selected. Redocketed by Court. Modified on 11/2/2006 (GEW). (Entered: 11/02/2006)
11/01/2006	<u>221</u>		ERROR: Wrong event selected. Redocketed by Court. Modified on 11/2/2006 (GEW). (Entered: 11/02/2006)
11/01/2006			(Court only) **NON-PUBLIC** Motions terminated as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubriaco. <u>220</u> SEALED MOTION for Joinder filed by Steve Alberts., <u>221</u> MOTION for Joinder filed by Joseph Melfi., (GEW) (Entered: 11/02/2006)
11/01/2006			NOTICE of Docket Correction to <u>220</u> SEALED MOTION for Joinder, <u>221</u> MOTION for Joinder as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubriaco: Wrong event selected by clerk's office. Motions terminated. Documents redocketed under

11/01/2006	<u>223</u>		ORDER granting <u>213</u> MOTION for Joinder in Stipulation filed on October 24, 2006 as to Joseph Melfi (4) Signed by Judge Lawrence R. Leavitt on 11/1/06. (LMC) (Entered: 11/03/2006)
11/02/2006	<u>224</u>		ORDER granting <u>215</u> MOTION for Joinder to Join Sealed Stipulation Filed on October 24, 2006 as to Robert D'Apice (1) Signed by Judge Lawrence R. Leavitt on 11/2/06. (LMC) (Entered: 11/03/2006)
11/09/2006	<u>225</u>		MOTION for Hearing Re: Discovery Relevant to Sentencing by Darren Bruy. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Rasmussen, Lisa) (Entered: 11/09/2006)
11/14/2006	<u>226</u>		SENTENCING MEMORANDUM by Paula McBride (Kennedy, Michael) (Entered: 11/14/2006)
11/15/2006	<u>227</u>		OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Scott Speroni (Bailus, Mark) (Entered: 11/15/2006)
11/21/2006	<u>228</u>		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Paula McBride on 11/21/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 11/29/06 at 9:00 a.m. is reset to 12/13/2006 at 01:30 PM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/21/2006)
11/27/2006	<u>229</u>		STIPULATION Stipulation and Order to Continue Sentencing Date by Scott Speroni (Bailus, Mark) (Entered: 11/27/2006)
11/27/2006	<u>230</u>		RESPONSE to <u>225</u> MOTION for Hearing Re: Discovery Relevant to Sentencing; filed by USA as to Darren Bruy. Replies due by 12/3/2006. (Johnson, Eric) (Entered: 11/27/2006)
11/27/2006	<u>231</u>		*SEALED* SEALED MEMORANDUM as to Vincent Faraci re application of attorney/client privilege filed by attorney Fred Gibson obo John Dawson. (LMC) (Entered: 11/27/2006)

			Robert Ubriaco on 11/27/2006. By Deputy Clerk: Peggie Vannozi. Attorney Mace Yampolsky will not be in the jurisdiction on 1/24/07. At his request, sentencing and disposition as to Defendant Ubriaco set for 1/24/07 at 9:00 a.m. is continued to 1/31/2007 09:00 a.m. in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	234		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Vincent Faraci on 11/27/2006. By Deputy Clerk: Peggie Vannozi. Sentencing and disposition set for 11/29/06 at 9:00 AM is continued to 1/24/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	235		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Joseph Melfi on 11/27/2006. By Deputy Clerk: Peggie Vannozi. Sentencing and disposition set for 11/29/06 at 9:00 AM is continued to 2/7/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	236		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Robert D'Apice on 11/27/2006. By Deputy Clerk: Peggie Vannozi. Sentencing and disposition set for 12/6/06 at 9:00 AM is continued to 2/7/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	237		First MOTION for Leave to File, <i>Motion to Continue Sentencing Date Set for November</i> by Joseph Melfi. (Oram, Christopher) (Entered: 11/27/2006)
11/27/2006	238		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Albert Rapuano on 11/27/2006. By Deputy Clerk:

			1:30 PM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	240		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Steve Alberts on 11/27/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 12/13/06 at 9:00 AM is continued to 2/14/2007 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	241		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to John Drace on 11/27/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 12/13/06 at 9:00 AM is continued to 2/14/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	242		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Rocco Lombardo on 11/27/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 12/13/06 at 9:00 AM to 2/21/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	243		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Darren Brury on 11/27/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 12/20/06 at 9:00 AM is continued to 2/21/2007 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 11/27/2006)
11/27/2006	244		ORDER finding as moot <u>237</u> Motion for Leave to File, as to Joseph Melfi (4)A minute order continuing the sentencing was placed on the docket shortly before the motion was placed on the docket. Signed by Judge Kent J. Dawson on 11/27/06. (PAV)

			Judge, as to Steve Alberts on 11/29/2006. Motion Hearing re <u>193</u> appointment of counsel set for 12/6/2006 02:30 PM in LV Courtroom 3C before Magistrate Judge Lawrence R. Leavitt. (LMC) (Entered: 11/29/2006)
11/29/2006	247		*SEALED* SEALED ORDER granting <u>214</u> Motion for Leave to File as to Robert D'Apice (1), Paula McBride (2), Vincent Faraci (3), Joseph Melfi (4), Albert Rapuano (5), John Drace (6), Steve Alberts (7), Michael Muscato (8), James Stresing (9), Steve Crespi (10), Darren Bruy (11), Michael Lomonaco (12), Scott Speroni (13), Ralph Pope (14), Rocco Lombardo (15), Robert Ubriaco (16). Signed by Judge Lawrence R. Leavitt on 11/29/06. (MBS,) (Entered: 11/29/2006)
11/30/2006	<u>248</u>		*SEALED* SEALED MOTION for Joinder to Motion to Recuse (#155) by Darren Bruy. (Attachments: # <u>1</u> Exhibit A)(Rasmussen, Lisa) (Entered: 11/30/2006)
12/01/2006	<u>249</u>		*SEALED* SEALED MOTION for Joinder Defendant Speroni's Joinder in Motion for Recusal (#155) by Scott Speroni as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubriaco. (Bailus, Mark) (Entered: 12/01/2006)
12/05/2006	250		*SEALED* SEALED MINUTES OF PROCEEDINGS - SEALED Motion Hearing as to Vincent Faraci held on 12/5/2006 before Judge Lawrence R. Leavitt. Ctrm Administrator: <i>Alana Kamaka</i> ; AUSA: <i>Timothy S. Vasquez</i> ; Def Counsel: <i>David Z. Chesnoff (for Vincent Faraci)</i> ; Court Reporter/FTR #: 3:10-5:27; Time of Hearing: 3:00 p.m.; Presence of defendants not appearing at this hearing, are waived. Defendant Albert Rapuano, is present, on PR Bond. Also present: John J. Momot (for Albert Rapuano); Lisa Rasmussen (for Darren

Report: Model B. Dated: 12/5/2006. (for Scott Speroni); Take N

			but not filed. Court advises counsel to file same electronically, under SEAL. Court proceeds to question John Dawson (3:21-4:06); and Anthony Sgro (4:08-4:57). Prior to Court's questioning of Mr. Sgro, representations are made by Mr. Pitaro. Following the questioning of Mr. Dawson and Mr. Sgro, the Court hears representations of Mr. Chesnoff, Mr. Pitaro, Ms. Rasmussen, Mr. Vasquez and Mr. Gibson. Court TAKES THE MATTER UNDER ADVISEMENT. (no image attached) (AKK) (Entered: 12/06/2006)
12/06/2006	<u>251</u>		*SEALED* (Court only) **NON-PUBLIC** SEALED EX PARTE DOCUMENT - PROPOSED QUESTIONS FOR ATTORNEYS SGRO AND DAWSON by USA as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubrtaco (Vasquez, Timothy) (Entered: 12/06/2006)
12/06/2006	252		MINUTES OF PROCEEDINGS - Motion Hearing as to Steve Alberts held on 12/6/2006 before Judge Lawrence R. Leavitt. Crim Administrator: <i>Alana Kamaka</i> ; AUSA: <i>None Appearing</i> ; Def Counsel: <i>John N. McNicholas, Retained</i> ; Court Reporter/ETR #: 2:35-2:46; Time of Hearing: 2:30 p.m.; Defendant is present, in custody. RE: 193 SEALED EX PARTE MOTION for Appointment of Counsel Nunc Pro Tunc by Steve Alberts, IS DENIED. After Court and counsel discuss the motion, attached affidavit and defendant's financial affidavit, the Court DENIES the Motion. FURTHER ORDER Court DENIES Mr. McNicholas' request to be paid by CJA funds with defendant reimbursing CJA. Defendant is continued on present terms of release. (no image attached) (AKK) (Entered: 12/06/2006)
12/06/2006	<u>253</u>		ORDER denying <u>225</u> Motion for Hearing to obtain discovery relevant to sentencing as to Darren Bruy (11) Signed by Judge Lawrence R. Leavitt on

			Rapuno (5), John Drace (6), Steve Alberts (7), Michael Muscato (8), James Stresing (9), Steve Crespi (10), Darren Bruy (11), Michael Lomonaco (12), Scott Speroni (13), Ralph Pope (14), Rocco Lombardo (15), Robert Ubriaco (16); granting <u>248</u> Motion for Joinder as to Darren Bruy (11) Signed by Judge Lawrence R. Leavitt on 12/14/06. (MBS,) (Entered: 12/14/2006)
12/18/2006	<u>256</u>		OBJECTION to <u>253</u> Order denying Motion for Sentencing Discovery by Darren Bruy (Rasmussen, Lisa) Modified on 1/25/2007 document linkage corrected (MAJ). (Entered: 12/18/2006)
12/26/2006	<u>257</u>		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Ralph Pope on 12/26/2006. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 1/3/07 at 9:00 AM is continued to 2/28/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 12/26/2006)
12/29/2006	<u>258</u>		*SEALED* SEALED REPORT AND RECOMMENDATIONS as to Defendants re <u>249</u> MOTION for Joinder, <u>248</u> SEALED MOTION for Joinder to Motion to Recuse (#15), <u>211</u> SEALED MOTION for Joinder Defendant Steve Alberts Joinder in Co-Defendant Vincent Faraci's Sealed Motion For Recusal of Judge Kent J. Dawson, <u>155</u> SEALED MOTION for Recusal. Objections to RRdue by 1/14/2007 Signed by Judge Lawrence R. Leavitt on 12/29/06. (AAB) (Entered: 12/29/2006)
01/04/2007	<u>260</u>		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to James Stresing on 1/4/2007. By Deputy Clerk: Peggie Vannozzi. Sentencing and disposition set for 1/10/07 at 9:00 AM is continued to 2/28/2007 at 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 01/04/2007)
01/05/2007	<u>261</u>		NOTICE of Change of Firm Name by Darren Bruy (Rasmussen, Lisa) (Entered: 01/05/2007)

			Deadlines/Hearings as to Steve Crespi, Michael Lomonaco (PAV) (Entered: 01/17/2007)
01/17/2007	264		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Michael Muscato held on 1/17/2007 before Judge Kent J. Dawson. Crim Administrator: <i>Peggie Vannozi</i> ; AUSA: <i>Timothy Vasquez</i> ; Def Counsel: <i>Stephen Stein</i> ; USPO: <i>Michael Mastrangoli for Wendy Becker</i> ; Court Reporter/FTR #: <i>Felicia Zabin</i> ; Time of Hearing: 9:45 AM – 10:00 AM; Defendant is present. Sentence is imposed as to count(s) 2 of the information. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 01/17/2007)
01/17/2007	265		ORDER ON STIPULATION re 263 Stipulation filed by Steve Crespi, Sentencing and disposition set for 1/17/07 at 9:00 am is continued to 3/14/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 1/16/07. (PAV) (Entered: 01/17/2007)
01/17/2007	266		ORDER ON STIPULATION re 262 Stipulation filed by Michael Lomonaco, Sentencing and disposition set for 1/17/07 AT 9:00 AM is continued to 3/14/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 1/16/07. (PAV) (Entered: 01/17/2007)
01/18/2007	267		JUDGMENT as to Michael Muscato (8), Count 2: 5 years probation; \$100.00 assessment. Signed by Judge Kent J. Dawson on 1/17/07. (MMV) (Entered: 01/18/2007)
01/19/2007	268		STIPULATION to Continue Sentencing Date by Scott Speroni (Bailus, Mark) (Entered: 01/19/2007)
01/22/2007	269		ORDER ON STIPULATION re 268 Stipulation filed by Scott Speroni, Sentencing and disposition set for 1/31/07 at 9:00 AM is continued to 3/14/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on

			and adopting <u>258</u> Report and Recommendations, and DENYING <u>155</u> Motion to Recuse Judge Dawson, as to Vincent Faraci. Signed by Judge Kent J. Dawson on 1/22/07. (MMM) (Entered: 01/24/2007)
01/22/2007			(Court only) **NON-PUBLIC** Motions terminated as to Robert D'Apice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubriaco: <u>258</u> REPORT AND RECOMMENDATIONS. See <u>271</u> for details. (MJZ) (Entered: 01/25/2007)
01/24/2007	272		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Vincent Faraci held on 1/24/2007 before Judge Kent J. Dawson. Crtm Administrator: Judy Harris; AUSA: Eric Johnson; Def Counsel: David Chesnoff; USPO: Lucille Montede & Joel Nelson; Court Reporter/ETR #: Felicia Zabin, Crt. Rptr.; Time of Hearing: 9:10 a.m.; Defendant is present. Sentence is imposed as to count(s) Two of the Superseding Criminal Information. The sentence imposed is a split sentence, 5 months incarceration and 5 months of home confinement with electronic monitoring paid by the defendant. Defendant is advised of right to file an appeal. Defendant is released on current terms and conditions until the BOP makes it's designation. IT IS ORDERED the defendant shall report in person to the designated facility by 12:00 Noon on 7/2/07 (SEE JUDGMENT). (no image attached) (JH) (Entered: 01/24/2007)
01/25/2007			ORDER OF RECUSAL as to Defendant Rocco Lombardo. This action as to Defendant Rocco Lombardo is referred to Chief Judge Roger L. Hunt for reassignment. All other defendants are to remain assigned to Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 1/25/07. (PAV) (Entered: 01/25/2007)
01/26/2007	273		STIPIT ACTION to Continue Sentencing and

01/31/2007	275		MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Robert Ubriaco held on 1/31/2007 before Judge Kent J. Dawson. Crim Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Mace Yampolsky</i> ; USPO: <i>Cherie Hughes</i> ; Court Reporter/ETR #: <i>Felicia Zabin</i> ; Time of Hearing: <i>9:30 AM - 9:40 AM</i> ; Defendant is present. Sentence is imposed as to count(s) 2 of the information. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 01/31/2007)
02/01/2007	<u>286</u>		JUDGMENT as to Vincent Faraci (3), Count 2: 5 months imprisonment; defendant to surrender by noon on 7/2/07; 3 years supervised release; 5 months home confinement with electronic monitoring; \$100 Assessment; \$30,000.00 Fine. Signed by Judge Kent J. Dawson on 2/1/07. (copy to DOJ) (KCR) Modified on 3/15/2007 to add home confinement time & remove denial of federal benefits (N/A) (LMC). (Entered: 02/13/2007)
02/02/2007	276		MINUTE ORDER IN CHAMBERS of the Honorable Roger L. Hunt, Chief U.S. District Judge, as to Rocco Lombardo on 2/2/2007. By Deputy Clerk: V. Hayes. IT IS ORDERED that this case is reassigned to Judge James C. Mahan for all further proceedings as to Rocco Lombardo . Judge Kent J. Dawson no longer assigned to case as to Rocco Lombardo . All further documents must bear the correct case number 2:05-cr-00017-JCM-LRL as to Rocco Lombardo . (no image attached) (VHM,) (Entered: 02/02/2007)
02/02/2007	<u>277</u>		STIPULATION TO CONTINUE SENTENCING by Albert Rappano (Momot, John) (Entered: 02/02/2007)
02/05/2007	<u>278</u>		JUDGMENT as to Robert Ubriaco (16), as to Count 2: 4 years probation; \$100 Assessment; \$1,000.00 fine. Signed by Judge Kent J. Dawson on 2/2/07. (KCR) (Entered: 02/05/2007)

			2/21/2007 10:30 AM in LV Courtroom 6A before Judge James C. Mahan. (SRB,) (Entered: 02/06/2007)
02/06/2007			(Court only) **NON-PUBLIC** Terminated Deadlines/Hearings relating to #72 as to Robert D'Apice, Paula McBride, Robert D'Apice, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bruy, Michael Lomonaco, Scott Speroni, Ralph Pope, Rocco Lombardo, Robert Ubrico (PAV) (Entered: 02/06/2007)
02/07/2007	280		MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Joseph Melfi held on 2/7/2007 before Judge Kent J. Dawson. Crim Administrator: <i>Peggie Vannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Christopher Oram</i> ; USPO: <i>Darlene Castello</i> ; Court Reporter/ETR #: <i>Felicia Zabir</i> ; Time of Hearing: 9:07 AM - 9:20 AM; Defendant is present. Sentence is imposed as to count(s) 2 of the information. Defendant is advised of right to file an appeal. Defendant is to surrender to the institution designated by the Bureau of Prisons on April 13, 2007, no later than noon. Defendant is continued on conditions of pretrial release pending surrender. Bond to exonerate upon surrender. (no image attached) (PAV) (Entered: 02/07/2007)
02/07/2007	281		SENTENCING MEMORANDUM by Albert Rapuano (Momot, John) (Entered: 02/07/2007)
02/07/2007	282		EXHIBIT(s) to 281 Sentencing Memorandum, filed by Albert Rapuano (Momot, John) (Entered: 02/07/2007)
02/08/2007	283		MINUTE ORDER IN CHAMBERS of the Honorable Kent J. Dawson, U.S. District Judge, as to Steve Alberts on 2/8/2007. By Deputy Clerk: Peggie Vannozi. At request of Defense counsel, sentencing and disposition set for 2/14/07 at 9:00 AM is continued to 2/27/2007 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. (no image attached) (PAV) (Entered: 02/08/2007)

02/12/2007			(Court only) **NON-PUBLIC** Attorney update in case as to Vincent Faraci; Attorney David Z. Chesnoff. (AF) (Entered: 02/12/2007)
02/12/2007	<u>288</u>		LETTERS of support from friends and family of John Drace re sentencing on 2/14/07. (MMM) (Entered: 02/13/2007)
02/13/2007	287		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Robert D'Apice held on 2/13/2007 before Judge Kent J. Dawson. Ctmm Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Michael Cristalli</i> ; USPO: <i>Michael Mastrangioli & Joe Gulla</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: 9:05 AM – 9:45 AM; Defendant is present. Defense withdraws certain objections to the presentence report. Agreement is reached with regard to certain paragraphs on the presentence report. Sentence is imposed as to count(s) 1 of the superseding information. Disposition of indictment entered. Defendant is advised of right to file an appeal. Defendant remains on current conditions of release, pending surrender to the Bureau of Prisons. Defendant is to surrender no later than noon on May 14, 2007, at which time the Bond will be exonerated. (no image attached) (PAV) (Entered: 02/13/2007)
02/14/2007	<u>295</u>		JUDGMENT as to John Drace (6), Count 2: 10 months imprisonment USBOP; defendant shall surrender before 12:00 noon June 15, 2007; 3 years supervised release; \$100.00 assessment; \$6,000.00 fine. Signed by Judge Kent J. Dawson on 2/20/07. (MMM) (Entered: 02/22/2007)
02/14/2007	289		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to John Drace held on 2/14/2007 before Judge Kent J. Dawson. Ctmm Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Charles Kelly</i> ; USPO: <i>Michael Mastrangioli</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: 9:28 AM – 10:15 AM; Defendant is present. The Court overrules the Defendant's objections to sentencing. 53 through 60 of the

02/14/2007	290		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Albert Rapuano held on 2/14/2007 before Judge Kent J. Dawson. Crtm Administrator: <i>Peggie Vannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>John Momot</i> ; USPO: <i>Michael Masrangoli</i> ; Court Reporter/FTTR #: <i>Joy Garner</i> ; Time of Hearing: <i>10:40 AM – 11:25 AM</i> ; Defendant is present. Sentence is imposed as to count(s) 2 of the information. Defendant is advised of right to file an appeal. Defendant is continued on present terms of release pending surrender to the Bureau of Prisons no later than noon on April 13, 2007. Bond to be exonerated upon Defendant's surrender. (no image attached) (PAV) (Entered: 02/14/2007)
02/14/2007	291		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Paula McBride held on 2/14/2007 before Judge Kent J. Dawson. Crtm Administrator: <i>Peggie Vannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Michael Kennedy</i> ; USPO: <i>Darlene Castello</i> ; Court Reporter/FTTR #: <i>Joy Garner</i> ; Time of Hearing: <i>1:40 PM – 1:55 PM</i> ; Defendant is present. Sentence is imposed as to count(s) 6 of the indictment. Disposition of count(s) remaining counts entered. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 02/14/2007)
02/16/2007			(Court only) **NON-PUBLIC** Documents terminated as to John Drace: <u>284</u> MOTION for Departure <i>Sentencing Statement</i> filed by John Drace. Sentencing departure denied 2/14/07. (PAV) (Entered: 02/16/2007)
02/20/2007	<u>296</u>		JUDGMENT as to Albert Rapuano (5), Count 2: 10 months imprisonment USBOP; defendant shall surrender before 12:00 noon April 13, 2007; 3 years supervised release; \$100,000 assessment; \$10,000.00 fine. Signed by Judge Kent J. Dawson on 2/20/07. (MMM) (Entered: 02/22/2007)
02/20/2007	<u>303</u>		JUDGMENT as to Robert Dapice (1), Count 1s; 41

			(Rasmussen, Lisa) (Entered: 02/20/2007)
02/20/2007	<u>293</u>		ORDER re <u>292</u> Motion to Continue Sentencing Date as to Darren Bruy (11). Sentencing hearing continued to 2/28/2007 09:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. FURTHER ORDERED that Defendant file any objections to the Presentence Investigation Report on or before 2/23/07. The Objections to Order Denying Defendant Bruy's Motion for Discovery <u>256</u> are overruled, and the Order of the Magistrate Judge <u>253</u> is AFFIRMED. Signed by Judge Kent J. Dawson on 2/20/07. (MMM) (Entered: 02/20/2007)
02/21/2007	<u>294</u>		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Rocco Lombardo held on 2/21/2007 before Judge James C. Mahan. Crtm Administrator: <i>David Oakes</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>John Spilatro</i> ; USPO: <i>Darlene Castillo</i> ; Court Reporter/FTR #: <i>Joy Garner</i> ; Time of Hearing: 10:30 a.m.; Defendant is present. Sentence is imposed as to count(s) <u>2</u> Two of the Information. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. (no image attached) (DXO,) (Entered: 02/21/2007)
02/21/2007	<u>297</u>		JUDGMENT as to Paula McBride (2), Count 6: 2 years probation; 4 months home confinement without electronic monitoring; 100 hours community service; \$100.00 assessment. Count 7 dismissed on USA motion. Signed by Judge Kent J. Dawson on 2/20/07. (MMM) (Entered: 02/22/2007)
02/22/2007	<u>298</u>		MOTION to Reconsider District Judge Order by John Drace. Responses due by 3/8/2007. (Kelly, Charles) (Entered: 02/22/2007)
02/22/2007	<u>299</u>		MOTION to Reconsider District Judge Order DEFENDANTS MOTION TO RECONSIDER SENTENCING AND PLACEMENT RECOMMENDATION by Albert Rapuano. Responses due by 3/8/2007. (Momot, John) (Entered: 02/22/2007)

02/23/2007	<u>301</u>		SENTENCING MEMORANDUM by Steve Alberts (Attachments: # <u>1</u> Exhibit Hirtreiter letter# <u>2</u> Exhibit Caputo Letter# <u>3</u> Exhibit Ray letter# <u>4</u> Exhibit Officer Radcliffe letter)(McNicholas, John) (Entered: 02/23/2007)
02/23/2007	<u>302</u>		SUPPLEMENT to <u>301</u> Sentencing Memorandum by Steve Alberts (Attachments: # <u>1</u> Exhibit Dienehal letter# <u>2</u> Exhibit Pierce letter# <u>3</u> Exhibit Air Maint training# <u>4</u> Exhibit Marine weight lifting# <u>5</u> Exhibit Honorable Discharge# <u>6</u> Exhibit Levitz eval# <u>7</u> Exhibit Levitz scoring system# <u>8</u> Exhibit Aviation mechanic# <u>9</u> Exhibit college transfer credit# <u>10</u> Exhibit GED# <u>11</u> Exhibit Tau Kappa Epsilon)(McNicholas, John) (Entered: 02/23/2007)
02/27/2007	<u>304</u>		MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Steve Alberts held on 2/27/2007 before Judge Kent J. Dawson. Crtm Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>John McNicholas</i> ; USPO: <i>Eric Christiansen</i> ; Court Reporter/FTTR #: <i>Felicia Zabin</i> ; Time of Hearing: <i>9:35 AM - 10:20 AM</i> ; Defendant is present. Sentence is imposed as to count(s) <u>2</u> of the information. Defendant is advised of right to file an appeal. Defendant is allowed to self surrender to the institution designated by the Bureau of Prisons on June 15, 2007, no later than noon. Defendant is continued on current terms of release pending self surrender. (no image attached) (PAV) (Entered: 02/27/2007)
02/28/2007	<u>305</u>		MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Ralph Pope held on 2/28/2007 before Judge Kent J. Dawson. Crtm Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Oswaldo Fumo</i> ; USPO: <i>Lucille Monterde</i> ; Court Reporter/FTTR #: <i>Felicia Zabin</i> ; Time of Hearing: <i>9:00 - 9:20 AM</i> ; Defendant is present. Sentence is imposed as to count(s) <u>2</u> of the information. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image

			Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 02/28/2007)
02/28/2007	307		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Darren Bruy held on 2/28/2007 before Judge Kent J. Dawson. Crimn Administrator: <i>Peggie Yannozi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Lisa Rasmussen</i> ; USPO: <i>Sandy Schmitt</i> ; Court Reporter/ETR #: <i>Felicia Zabin</i> ; Time of Hearing: 9:28 AM – 9:55 AM; Defendant is present. Sentence is imposed as to count(s) 2 of the information. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 02/28/2007)
02/28/2007	308		JUDGMENT as to Steve Alberts (7): As to count 2 – 5 months custody USBOP; Defendant shall surrender before 12 noon 6/15/07; 3 years supervised release; 5 months home confinement with electronic monitoring; \$100.00 assessment; \$3,000.00 fine. Signed by Judge Kent J. Dawson on 2/27/07. (LMC) (Entered: 03/01/2007)
03/02/2007	309		JUDGMENT as to Darren Bruy (11), Count 2: 5 years probation; 3 months home confinement w/electronic monitoring and 3 months home confinement without electronic monitoring; mental health treatment program; \$100.00 assessment. Signed by Judge Kent J. Dawson on 3/2/07. (MMM) (Entered: 03/02/2007)
03/02/2007	310		JUDGMENT as to James Stresing (9), Count 2: 2 years probation; 150 hours community service; \$100.00 assessment; \$1,000.00 fine. Signed by Judge Kent J. Dawson on 3/2/07. (MMM) (Entered: 03/05/2007)
03/02/2007	311		JUDGMENT as to Rocco Lombardo (15), Count 2 of the Information: 60 months probation; \$100.00 assessment. All remaining counts are dismissed on USA motion. Signed by Judge James C. Mahan on

			OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Michael Lomonaco (Gamage, William) (Entered: 03/09/2007)
03/09/2007	<u>314</u>		RESPONSE to <u>298</u> MOTION to Reconsider District Judge Order; filed by USA as to John Drace. <i>Government's Response in Opposition to Defendant John Drace's Motion to Reconsider Sentencing and Placement Recommendation</i> Replies due by 3/15/2007. (Johnson, Eric) (Entered: 03/09/2007)
03/09/2007	<u>315</u>		RESPONSE to <u>299</u> MOTION to Reconsider District Judge Order <i>DEFENDANT'S MOTION TO RECONSIDER SENTENCING AND PLACEMENT RECOMMENDATION</i> ; filed by USA as to Albert Rapuano. <i>Government's Response in Opposition to Defendant Albert Rapuano's Motion to Reconsider Sentencing and Placement Recommendation</i> Replies due by 3/15/2007. (Johnson, Eric) (Entered: 03/09/2007)
03/09/2007	<u>316</u>		ERROR: Stipulation not signed by both counsel; Attorney to refile. LMC). (Entered: 03/09/2007)
03/09/2007			NOTICE of Docket Correction to <u>316</u> Stipulation as to Scott Speroni: Stipulation not signed by both counsel; Attorney Mark Bailus to refile when signature obtained. (no image attached)(LMC) (Entered: 03/12/2007)
03/12/2007	<u>317</u>		STIPULATION to <i>Continue Sentencing Date</i> by Scott Speroni (Bailus, Mark) (Entered: 03/12/2007)
03/12/2007	<u>318</u>		ORDER ON STIPULATION re <u>317</u> Stipulation filed by Scott Speroni, Sentencing and disposition set for 3/14/07 at 9:00 AM is continued to 3/28/2007 at 9:00 AM in LV Courtroom 6D before Judge Kent J. Dawson. Signed by Judge Kent J. Dawson on 3/12/07. (PAV) (Entered: 03/12/2007)
03/12/2007	<u>319</u>		NOTICE OF APPEAL by Darren Bray (Rasmussen, Lisa) (Entered: 03/12/2007)
03/14/2007	<u>320</u>		MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Michael Lomonaco held on

			IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 03/14/2007)
03/14/2007	321		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Steve Crespi held on 3/14/2007 before Judge Kent J. Dawson. Cttrm Administrator: <i>Peggie Vannozzi</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Stephen Caruso</i> ; USPO: <i>Lucille Monterde & Joel Nelson</i> ; Court Reporter/TR #: <i>Felicia Zabin</i> ; Time of Hearing: <i>9:24 AM – 9:40 AM</i> ; Defendant is present. Sentence is imposed as to count(s) 2 of the information. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (PAV) (Entered: 03/14/2007)
03/15/2007	322		TRANSMITTAL of Notice of Appeal, Docket Sheet and Order for Time Schedule as to Darren Bryu to US Court of Appeals re <u>319</u> Notice of Appeal Certificate of Record due by 5/5/2007. (Attachments: # <u>1</u> Transcript order form# <u>2</u> REQUIRED Transcript Designation form)(KCR) (Entered: 03/15/2007)
03/15/2007	323		REPLY to Response to <u>298</u> MOTION to Reconsider District Judge Order; filed by John Drace. (Kelly, Charles) (Entered: 03/15/2007)
03/20/2007	324		JUDGMENT as to Michael Lomonaco (12), Count 2: 4 years probation; \$100.00 assessment; \$2,500.00 fine. Signed by Judge Kent J. Dawson on 3/20/07. (MMMM) (Entered: 03/21/2007)
03/20/2007	325		JUDGMENT as to Steve Crespi (10), Count 2: 5 years probation; 6 months home confinement; 3 months with electronic monitoring, if available, and 3 months without electronic monitoring; \$100.00 assessment. Signed by Judge Kent J. Dawson on 3/20/07. (MMMM) (Entered: 03/21/2007)
03/22/2007			(Court only) **NON-PUBLIC** Terminated Past Deadlines/Hearings as to Robert Dapice, Paula McBride, Vincent Faraci, Joseph Melfi, Albert Rapuano, John Drace, Steve Alberts, Michael Muscato, James Stresing, Steve Crespi, Darren Bryu,

			Appeal. USCA Case Number 07-10144 (KCR) (Entered: 03/26/2007)
03/26/2007	<u>327</u>		EXHIBIT(s) <i>Letters of Recommendation</i> filed by Scott Speroni (Bailus, Mark) (Entered: 03/26/2007)
03/26/2007	<u>329</u>		SUPPLEMENT to <u>327</u> Exhibit(s) by Scott Speroni <i>Supplement to Letters of Recommendation</i> (Bailus, Mark) (Entered: 03/26/2007)
03/26/2007	330		TRANSCRIPT of Proceedings: 291 Sentencing as to Paula McBride held on 2/14/07 before Judge Kent J. Dawson. Court Reporter: Joy Garner. (no image attached) (EDS) (Entered: 03/26/2007)
03/27/2007	<u>331</u>		ORDER denying <u>299</u> Motion to Reconsider Sentencing as to Albert Rapuano (5). Without reopening sentencing, the Court recommends Taft, California as the place for service of sentence. Signed by Judge Kent J. Dawson on 3/27/07. (MMM) (Entered: 03/27/2007)
03/27/2007	<u>332</u>		ORDER denying <u>298</u> Motion to Reconsider Sentencing as to John Drace (6). Signed by Judge Kent J. Dawson on 3/27/07. (MMM) (Entered: 03/27/2007)
03/28/2007	333		MINUTES OF PROCEEDINGS – Sentencing and Disposition as to Scott Speroni held on 3/28/2007 before Judge Kent J. Dawson. Court Administrator: <i>David Oakes</i> ; AUSA: <i>Timothy Vasquez</i> ; Def Counsel: <i>Mark Bailus</i> ; USPO: <i>Joseph Gulla</i> ; Court Reporter/ETR #: <i>Felicia Zabim</i> ; Time of Hearing: <i>9:00 a.m.</i> ; Defendant is present. Sentence is imposed as to count(s) Two 2 of the Information . Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (DXO.) (Entered: 03/28/2007)
04/10/2007	<u>334</u>		JUDGMENT as to Scott Speroni (13), Count 2: 60 months probation; \$100.00 assessment; \$500.00 fine. Signed by Judge Kent J. Dawson on 4/10/07. (MMM) (Entered: 04/10/2007)

06/05/2007	<u>335</u>		TRANSCRIPT DESIGNATION by Darren Bruy re <u>319</u> Notice of Appeal, 307 Sentencing,, (Rasmussen, Lisa) (Entered: 06/05/2007)
06/07/2007	<u>337</u>		ERROR: Dulicate of #335 6/25/07 (LMC). (Entered: 06/12/2007)
06/11/2007	<u>336</u>		SATISFACTION OF JUDGMENT/Monetary Imposition as to defendant Joseph Melfi by USA as to Joseph Melfi (Gonzalez, Carlos) (Entered: 06/11/2007)
06/20/2007	338		TRANSCRIPT of Proceedings: 294 Sentencing as to Rocco Lombardo held on February 21, 2007 before Judge James C. Mahan. Court Reporter: Joy Garner. Transcript prepared by Joy Garner. (no image attached) (DXS) (Entered: 06/20/2007)
06/21/2007	339		TRANSCRIPT of Proceedings: 307 Sentencing as to Darren Bruy held on 2/28/07 before Judge Kent J. Dawson. Court Reporter: Felicia Zabin. (no image attached) (EDS) (Entered: 06/21/2007)
06/21/2007	340		TRANSCRIPT of Proceedings: 122 139 138 Arraignment/Plea – Waiver of Indictment as to Darren Bruy, Scott Speroni and Rocco Lombardo held on 5/31/06 before Judge Kent J. Dawson. Court Reporter: Felicia Zabin. (no image attached) (EDS) (Entered: 06/21/2007)
06/25/2007			Certificate of Record Deadline reset to 7/6/07 as to Darren Bruy re <u>319</u> Notice of Appeal. (MMM) (Entered: 06/25/2007)
06/25/2007			Certificate of Record Deadline of 6/22/07 Terminated as to Darren Bruy re <u>319</u> Notice of Appeal. (MMM) (Entered: 06/25/2007)
06/25/2007			NOTICE of Docket Correction to <u>337</u> Transcript Designation as to Darren Bruy: Document is a duplicate of #335. It is not necessary to file a paper copy with intake. If document is a courtesy copy, it needs to be clearly marked as to who the courtesy copy is intended for. (no image attached)(MC) (Entered: 06/25/2007)

			Conditions of Supervision to include Alcohol Abstinence, Substance Abuse Treatment, & Mental Health Treatment as to James Stresing (9). Signed by Judge Kent J. Dawson on 9/6/07. (Copies have been distributed pursuant to the NEF – ASB) (Entered: 09/11/2007)
10/10/2007	<u>344</u>		Form 12B – Request for Modification to Conditions of Supervision as to James Stresing (Attachments: # <u>1</u> Probation Form 49 – Waiver of Hearing) (Corniel, Sheree) (Entered: 10/10/2007)
10/12/2007	<u>345</u>		ORDER granting <u>344</u> Request for Modification to Conditions of Supervision to Include 48 Hours of Community Service as to James Stresing (9). Signed by Judge Kent J. Dawson on 10/12/07. (Copies have been distributed pursuant to the NEF – ASB) (Entered: 10/18/2007)
11/08/2007	<u>346</u>		SATISFACTION OF JUDGMENT/Monetary Imposition as to defendant Ralph Pope by USA as to Ralph Pope (Gonzalez, Carlos) (Entered: 11/08/2007)
11/29/2007	<u>347</u>		SATISFACTION OF JUDGMENT/Monetary Imposition as to defendant Ralph Pope by USA as to Ralph Pope (Gonzalez, Carlos) (Entered: 11/29/2007)
01/22/2008	<u>348</u>		ORDER of USCA Dismissing this appeal as to Darren Bruy re <u>319</u> Notice of Appeal. (JAG) (Entered: 01/24/2008)
01/22/2008	<u>349</u>		JUDGMENT of USCA that this appeal is dismissed as to Darren Bruy re <u>319</u> Notice of Appeal. (JAG) (Entered: 01/25/2008)
01/25/2008	<u>350</u>		(Court only) Submission of PROPOSED Order on Mandate as to Darren Bruy re <u>319</u> Notice of Appeal. (JAG) (Entered: 01/25/2008)
01/28/2008	<u>351</u>		ORDER on Mandate Dismissing the Appeal as to Darren Bruy re <u>349</u> USCA Judgment. (OXC) (Entered: 01/30/2008)

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF NEVADA
LLOYD D. GEORGE US COURTHOUSE
333 LAS VEGAS BOULEVARD SOUTH
LAS VEGAS, NEVADA 89101
(702) 464-5400

LANCE S. WILSON
CLERK OF COURT

CYNTHIA K. JENSEN
CHIEF DEPUTY, LAS VEGAS
JAKE HERB CHIEF
DEPUTY, RENO

July 22, 2008

USDC
Northern District of Illinois
219 South Dearborn Street
Chicago, IL 60604

Re: Transfer of Probation

Case Name: USA v. Ralph Michael Pope

Your Case Number: 08-552

Our Case Number: 2:05-cr-017-JCM-LRL

Dear Clerk:

Pursuant to the Order for Transfer of Jurisdiction/Probation, enclosed are certified copies of the Indictment, Judgment, Order Transferring Case and the Docket Sheet from the District of Nevada for the above-named defendant.

District of Nevada is currently using CM/ECF and Judges now sign documents electronically

Lance S. Wilson, Clerk

By: /s/ Andrew Mennear

Deputy Clerk
U.S. District Court
District of Nevada, Las Vegas

			Faraci Motion ripe 4/24/2008. (Corniel, Sheree) (Entered: 04/24/2008)
04/25/2008	<u>355</u>		ORDER granting <u>354</u> Petition for Travel to San Jose Cabo Mexico as to Vincent Faraci (3). Signed by Judge Kent J. Dawson on 4/25/08. (Copies have been distributed pursuant to the NEF – ASB) (Entered: 04/25/2008)
06/12/2008	<u>356</u>		Form 22 – PETITION to Transfer Jurisdiction of Supervision – Out as to Ralph Pope. Motion ripe 6/12/2008. (Attachments: # <u>1</u> Prob 22) (Morgan, Kelli) (Entered: 06/12/2008)
06/13/2008	<u>357</u>		ORDER Granting <u>356</u> Petition to Transfer Jurisdiction of Supervision out as to Ralph Pope (14). Signed by Judge Kent J. Dawson on 06/13/08. (Copies have been distributed pursuant to the NEF – SRK) (Entered: 06/13/2008)
07/22/2008	<u>358</u>		ORDER accepting transfer of jurisdiction of Supervised Release from Northern District of Illinois; Transfer Order <u>357</u> as to Ralph Pope. (Copies have been distributed pursuant to the NEF – AXM) (Entered: 07/22/2008)
07/22/2008	<u>359</u>	70	TRANSMITTAL of Information, Judgment and docket sheet to the Northern District of Illinois re <u>358</u> Order Transferring Jurisdiction. (AXM) (Entered: 07/22/2008)

1 DANIEL G. BOGDEN
United States Attorney
2 ERIC JOHNSON
Chief, Organized Crime Strike Force
3 TIMOTHY VASQUEZ
Assistant United States Attorney
4 Organized Crime Strike Force
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7 Attorneys for the Government

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAY 31 2006	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 [1] ROBERT D'APICE,
[2] VINCENT FARACI,
15 [3] JOSEPH MELFI,
[4] ALBERT RAPUANO,
16 [5] JOHN DRACE,
[6] STEVE ALBERTS,
17 [7] MICHAEL MUSCATO,
[8] JAMES STRESING,
18 [9] STEVE CRESPI,
[10] DARREN BRUY,
19 [11] MICHAEL LOMONACO,
[12] SCOTT SPERONI,
20 [13] RALPH POPE,
[14] ROCCO LOMBARDO, and
21 [15] ROBERT UBRIACO,

22 Defendants.
23
24
25
26

CRIMINAL INFORMATION

2:05cr17-KJD (LRL)

Violations:

18 U.S.C. § 1962(d) - Conspiracy to
Participate in an Enterprise through
a Pattern of Racketeering;

18 U.S.C. § 371 - Conspiracy to Defraud the
United States of Taxes;

1 THE UNITED STATES ATTORNEY CHARGES:

2
3 **COUNT ONE**

4 (Conspiracy to Participate in a Racketeering
Enterprise in violation of 18 U.S.C. § 1962(d))

5 **A. The Enterprise**

6 1. At all times material to this Information, THE POWER COMPANY, INC., doing business
7 as THE CRAZY HORSE TOO (and also referred to herein as THE CRAZY HORSE TOO), ROBERT
8 D'APICE, and other individuals constituted a racketeering enterprise (hereinafter "the enterprise") as
9 defined by Title 18, United States Code, Section 1961(4), to wit: a group of individuals associated in
10 fact, which enterprise was engaged in and the activities of which affected interstate and foreign
11 commerce.

12
13 **B. Plan, Manner and Means of the Enterprise**

14 2. At all times material to this Information, THE POWER COMPANY, INC., owned and
15 operated a business known as THE CRAZY HORSE TOO in Las Vegas, Nevada.

16 3. At all times material to this Information, THE CRAZY HORSE TOO in Las Vegas,
17 Nevada, was commonly known as a "gentlemen's club" or "strip club." The terms "gentlemen's
18 club" and "strip club" generally refer to business establishments in which women dance semi-nude
19 as entertainment for the establishments' patrons. THE CRAZY HORSE TOO provided
20 entertainment to large numbers of tourists traveling from outside the State of Nevada into the State
21 of Nevada.

22 4. During the period from 2000 to 2005, dancers at THE CRAZY HORSE TOO generally
23 collected payments from patrons of THE CRAZY HORSE TOO for dances or other services the
24 dancers provided. If a patron refused to pay a dancer, or if a patron disputed the charges claimed by
25 a dancer, the dancer typically followed the procedure of initially contacting the shift manager, or
26 other male employees at THE CRAZY HORSE TOO. During the course of the conspiracy, and as

1 part of and in furtherance of the conspiracy, the defendant acting within the scope of his
2 employment at THE CRAZY HORSE TOO, on at least two or more occasions (depending in part
3 on the patron and other circumstances) sought to extort payment from patrons through explicit or
4 implicit threats of violence, or through actual use of force and physical violence against patrons to
5 force the patron to pay the disputed payment. In carrying out this purpose of the enterprise,
6 defendant and others engaged in acts and threats involving extortion in violation of state law with
7 intent to extort or gain any money or other property, and did threaten directly and indirectly to do
8 injury to any person or to any property, in violation of Nevada Revised Statutes, Sections 205.320,
9 193.330, and 195.020. Defendant, THE CRAZY HORSE TOO and others also conspired to, and
10 did, interfere with commerce by threats and violence in violation of Title 18, United States Code,
11 Section 1951 and used interstate facilities in furtherance of unlawful activity, to wit: extortion in
12 violation of the laws of the State of Nevada, in violation of Title 18, United States Code, Section
13 1952.

14 **C. The Racketeering Conspiracy**

15 7. From approximately January 1, 2000 through 2005, in the District of Nevada, and
16 elsewhere,

17 **[1] ROBERT D'APICE,**

18 defendant herein, being employed by and associated with an enterprise, that is, an association in fact
19 as described in Paragraph 1 of this Information, which enterprise engaged in and the activities of
20 which affected, interstate commerce, did knowingly conspire and agree, with THE CRAZY HORSE
21 TOO and other persons known and unknown, to conduct and to participate, directly and indirectly,
22 in the conduct of the affairs of the enterprise through a "pattern of racketeering activity," as that
23 term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5). The pattern of
24 racketeering activity through which the defendant agreed to conduct the affairs of the enterprise
25 consisted of multiple acts of extortion indictable under Title 18, United States Code, Sections 1951
26 and 1952, and Nevada Revised Statutes, Sections 205.320, 193.330, and 195.020.

1 8. It was further a part of the conspiracy that the defendant and each conspirator agreed that
2 two or more acts of racketeering would be committed in the conduct of the affairs of the enterprise.

3 All in violation of Title 18, United States Code, Section 1962(d).

4 **COUNT TWO**

5 (Conspiracy to Defraud the United States
6 in violation of 18 U.S.C. § 371)

7 1. Beginning on or before January 1, 2000 and continuing through 2005, in the District of
8 Nevada,

9 [2] VINCENT FARACI,
10 [3] JOSEPH MELFI,
11 [4] ALBERT RAPUANO,
12 [5] JOHN DRACE,
13 [6] STEVE ALBERTS,
14 [7] MICHAEL MUSCATO,
15 [8] JAMES STRESING,
16 [9] STEVE CRESPI,
17 [10] DARREN BRUY,
18 [11] MICHAEL LOMONACO,
19 [12] SCOTT SPERONI,
20 [13] RALPH POPE,
21 [14] ROCCO LOMBARDO, and
22 [15] ROBERT UBRIACO,

23 defendants herein, did willfully and knowingly conspire and agree together and with others known
24 and unknown to defraud the United States by impeding, impairing, obstructing and defeating the
25 lawful government functions of the Department of Treasury, in particular, the Internal Revenue
26 Service (hereafter referred to as "IRS"), in the ascertainment, computation, assessment, and
collection of revenue: to wit, income and employment taxes.

21 **Manner, Means and Overt Acts**

22 2. THE CRAZY HORSE TOO in Las Vegas, Nevada, was typically known as a "gentlemen's
23 club," or "strip club." The terms "gentlemen's club" and "strip club" generally refer to business
24 establishments in which women dance semi-nude as entertainment for the establishments' patrons. THE
25 CRAZY HORSE TOO provided entertainment to large numbers of tourists traveling from outside the
26

1 State of Nevada into the State of Nevada

2 3. Dancers performing at THE CRAZY HORSE TOO are treated as independent contractors
3 and are not paid by the club for their services. Rather, THE CRAZY HORSE TOO patrons commonly
4 pay individual dancers for their services. The dancers at THE CRAZY HORSE TOO are generally
5 required to pay the management or owners of THE CRAZY HORSE TOO a fee for the opportunity to
6 dance for customers within the club. Rather than charging dancers a flat fee, the shift management of
7 THE CRAZY HORSE TOO generally required that dancers pay a percentage of their earnings. More
8 specifically, THE CRAZY HORSE TOO generally required that dancers pay fifteen percent (15%) of
9 their earnings to the business for the privilege of dancing for patrons at THE CRAZY HORSE TOO.
10 The shift-managers of THE CRAZY HORSE TOO generally collected fifteen percent (15%) of the
11 individual dancers' earnings at the end of each shift.

12 4. The management of THE CRAZY HORSE TOO used this unreported cash income from the
13 business to supplement the wages of certain employees. More particularly, at the end of each shift, the
14 shift managers of THE CRAZY HORSE TOO divided the aggregate sum collected from the dancers
15 into portions or shares that were then distributed among certain of THE CRAZY HORSE TOO's male
16 employees. The club's floormen, bouncers, bartenders, and the shift managers themselves all received a
17 share of the currency collected from the dancers.

18 5. As part of the conspiracy to defraud the United States, the management of THE CRAZY
19 HORSE TOO, including FREDERICK RIZZOLO did not report or maintain records of the money
20 received from the dancers. Rather, the employees were permitted to self-report the amount of these cash
21 salary payments to THE CRAZY HORSE TOO's bookkeeping staff. THE CRAZY HORSE TOO's
22 procedures regarding the collection of cash income, disbursement of cash to employees, and failure to
23 report or maintain records of the cash income and payments, enabled employees, including defendants
24 VINCENT FARACI, JOSEPH MELFI, ALBERT RAPUANO, JOHN DRACE, STEVE ALBERTS,
25 MICHAEL MUSCATO, JAMES STRESING, STEVE CRESPI, DARREN BRUY, MICHAEL
26 LOMONACO, SCOTT SPERONI, RALPH POPE, ROCCO LOMBARDO, and ROBERT UBRIACO,

1 to under-report their cash income to THE CRAZY HORSE TOO's bookkeeping staff and the Internal
2 Revenue Service.

3 6. As part of the conspiracy, the management of THE CRAZY HORSE TOO delivered to the
4 accountant and tax preparer for THE CRAZY HORSE TOO records which failed to reflect the cash
5 income from the dancers that had been disbursed to employees. The defendants and management of
6 THE CRAZY HORSE TOO knew that the accountant would rely on these inaccurate summary sheets to
7 prepare quarterly financial reports and tax returns for the years 2000 through 2002.

8 7. As part of the conspiracy, the management of THE CRAZY HORSE TOO knowingly caused
9 the preparation and delivery of numerous inaccurate Internal Revenue Service W-2 Forms to certain
10 employees of THE CRAZY HORSE TOO, as well as to the Internal Revenue Service. The figures
11 reported on the W-2 Forms did not reflect the true amount of the income paid by the business to its
12 management and employees. The management and employees of THE CRAZY HORSE TOO,
13 including defendants VINCENT FARACI, JOSEPH MELFI, ALBERT RAPUANO, JOHN DRACE,
14 STEVE ALBERTS, MICHAEL MUSCATO, JAMES STRESING, STEVE CRESPI, DARREN
15 BRUY, MICHAEL LOMONACO, SCOTT SPERONI, RALPH POPE, ROCCO LOMBARDO, and
16 ROBERT UBRIACO, then knowingly used these inaccurate W-2 Forms to cause false individual
17 income tax returns to be filed with the Internal Revenue Service.

18 8. As a further part of the conspiracy, the management of THE CRAZY HORSE TOO,
19 including FREDERICK RIZZOLO, filed, or caused to be filed, quarterly federal employment tax returns
20 under-reporting the true amount of earnings the conspirators received in furtherance of the conspiracy's
21 goals to conceal the fraud. By failing to report or record the cash payments to the club's employees, the
22 owners of THE CRAZY HORSE TOO, in combination with participating employees, specifically
23 including defendants VINCENT FARACI, JOSEPH MELFI, ALBERT RAPUANO, JOHN DRACE,
24 STEVE ALBERTS, MICHAEL MUSCATO, JAMES STRESING, STEVE CRESPI, DARREN
25 BRUY, MICHAEL LOMONACO, SCOTT SPERONI, RALPH POPE, ROCCO LOMBARDO, and
26 ROBERT UBRIACO, evaded and failed to pay approximately \$400,000 of Federal Insurance

1 Contributions Act (FICA) taxes and Medicare taxes owed to the United States on the unreported
2 compensation.

3 9. In furtherance of the conspiracy and to effect the objects thereof, in the District of Nevada and
4 elsewhere, the following overt acts, among others, were committed by the named defendants and others:

- 5 (a) On or about July 10, 2000, THE CRAZY HORSE TOO caused the IRS Form 941,
6 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
7 Service.
- 8 (b) On or about September 25, 2000, THE CRAZY HORSE TOO caused the IRS Form
9 941, Employer's Quarterly Tax Return, to be filed with the United States Internal
10 Revenue Service.
- 11 (c) On or about January 29, 2001, THE CRAZY HORSE TOO caused the IRS Form 941,
12 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
13 Service.
- 14 (d) On or about March 21, 2001, THE CRAZY HORSE TOO caused the IRS Form 941,
15 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
16 Service.
- 17 (e) On or about August 13, 2001, THE CRAZY HORSE TOO caused the IRS Form 941,
18 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
19 Service.
- 20 (f) On or about November 15, 2001, THE CRAZY HORSE TOO caused the IRS Form
21 941, Employer's Quarterly Tax Return, to be filed with the United States Internal
22 Revenue Service.
- 23 (g) On or about March 18, 2002, THE CRAZY HORSE TOO caused the IRS Form 941,
24 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
25 Service.
- 26 (h) On or about April 1, 2002, THE CRAZY HORSE TOO caused the IRS Form 941,

1 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
2 Service.

3 (I) On or about July 22, 2002, THE CRAZY HORSE TOO caused the IRS Form 941,
4 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
5 Service.

6 (j) On or about October 14, 2002, THE CRAZY HORSE TOO caused the IRS Form 941,
7 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
8 Service.

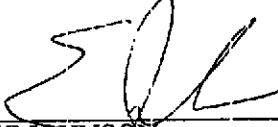
9 (k) On or about April 7, 2003, THE CRAZY HORSE TOO caused the IRS Form 941,
10 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
11 Service.


12 (l) On or about March 31, 2003, THE CRAZY HORSE TOO caused the IRS Form 941,
13 Employer's Quarterly Tax Return, to be filed with the United States Internal Revenue
14 Service.

15 All in violation of Title 18, United States Code, Section 371.

16
17 DATED this 25th day of May 2006.

18
19 DANIEL G. BOGDEN
20 United States Attorney
District of Nevada

21 
22 _____
23 ERIC JOHNSON
Chief, Organized Crime Strike Force

24 
25 _____
26 TIMOTHY VASQUEZ
Assistant United States Attorney

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

RALPH POPE

Case Number: 2:05-CR-17-KJD-LRL

USM Number: 41381-048

Oswaldo Fumo

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 2 of the information☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC §371	Conspiracy to Defraud the United States of Taxes	through 2005	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 28, 2007

Date of Imposition of Judgment



Signature of Judge

KENT J. DAWSON, U.S. DISTRICT JUDGE

Name and Title of Judge

March 7, 2007

Date

DEFENDANT: RALPH POPE
CASE NUMBER: 2:05-CR-17-KJD-LRL**PROBATION**

The defendant is hereby sentenced to probation for a term of :

5 years

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The Defendant shall refrain from any unlawful use of a controlled substance and shall submit to one drug test within 15 days of the commencement of supervision and at least two periodic drug tests thereafter, not to exceed 104 drug tests annually. Revocation is mandatory for refusal to comply.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: RALPH POPE
CASE NUMBER: 2:05-CR-17-KJD-LRL

SPECIAL CONDITIONS OF SUPERVISION

1. You shall be confined to home confinement with electronic monitoring, if available, for a period of 3 months. Thereafter, you shall be confined to home confinement without electronic monitoring for an additional 3 months for a total of 6 months. You shall pay the costs of the electronic monitoring program.
2. You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
3. You shall submit to the search of your person, property, or automobile under your control by the Probation Officer, or any other authorized person under the immediate and personal supervision of the probation officer without a search warrant to ensure compliance with all conditions of release.
4. You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
5. You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
6. You shall cooperate and arrange with the Internal Revenue Service to pay all past and present taxes, interest, and penalties owed. You shall file timely, accurate, and lawful income tax returns and show proof of same to the probation officer.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 4 of 5

DEFENDANT: RALPH POPE
CASE NUMBER: 2:05-CR-17-KJD-LRL

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 5,000.00	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	0	\$ _____	0
--------	----------	---	----------	---

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

Judgment — Page 5 of 5

DEFENDANT: RALPH POPE
CASE NUMBER: 2:05-CR-17-KJD-LRL

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 5,100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

I hereby attest and certify on 7/22/08
that the foregoing document is a full, true,
and correct copy of the original on file in my
legal custody.

By [Signature]
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
Deputy Clerk

